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ILLINOIS REGISTER

Rules of Governmental Agencies

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or preemptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1985, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1989

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1988	Dec. 27, 1988	1	Jan. 6, 1989	June 27, 1989	July 3, 1989 (Mon.)	28	July 14, 1989
Dec. 27, 1988	Jan. 3, 1989	2	Jan. 13, 1989	July 3, 1989 (Mon.)	July 11, 1989	29	July 21, 1989
Jan. 3, 1989	Jan. 10, 1989	3	Jan. 20, 1989	July 11, 1989	July 18, 1989	30	July 28, 1989
Jan. 10, 1989	Jan. 17, 1989	4	Jan. 27, 1989	July 18, 1989	July 25, 1989	31	Aug. 4, 1989
Jan. 17, 1989	Jan. 24, 1989	5	Feb. 3, 1989	July 25, 1989	Aug. 1, 1989	32	Aug. 11, 1989
Jan. 24, 1989	Jan. 31, 1989	6	Feb. 10, 1989	Aug. 1, 1989	Aug. 8, 1989	33	Aug. 18, 1989
Jan. 31, 1989	Feb. 7, 1989	7	Feb. 17, 1989	Aug. 8, 1989	Aug. 15, 1989	34	Aug. 25, 1989
Feb. 7, 1989	Feb. 14, 1989	8	Feb. 24, 1989	Aug. 15, 1989	Aug. 22, 1989	35	Sept. 1, 1989
Feb. 14, 1989	Feb. 21, 1989	9	Mar. 3, 1989	Aug. 22, 1989	Aug. 29, 1989	36	Sept. 8, 1989
Feb. 21, 1989	Feb. 28, 1989	10	Mar. 10, 1989	Aug. 29, 1989	Sept. 5, 1989	37	Sept. 15, 1989
Feb. 28, 1989	Mar. 7, 1989	11	Mar. 17, 1989	Sept. 5, 1989	Sept. 12, 1989	38	Sept. 22, 1989
Mar. 7, 1989	Mar. 14, 1989	12	Mar. 24, 1989	Sept. 12, 1989	Sept. 19, 1989	39	Sept. 29, 1989
Mar. 14, 1989	Mar. 21, 1989	13	Mar. 31, 1989	Sept. 19, 1989	Sept. 26, 1989	40	Oct. 6, 1989
Mar. 21, 1989	Mar. 28, 1989	14	Apr. 7, 1989	Sept. 26, 1989	Oct. 3, 1989	41	Oct. 13, 1989
Mar. 28, 1989	Apr. 4, 1989	15	Apr. 14, 1989	Oct. 3, 1989	Oct. 10, 1989	42	Oct. 20, 1989
Apr. 4, 1989	Apr. 11, 1989	16	Apr. 21, 1989	Oct. 10, 1989	Oct. 17, 1989	43	Oct. 27, 1989
Apr. 11, 1989	Apr. 18, 1989	17	Apr. 28, 1989	Oct. 17, 1989	Oct. 24, 1989	44	Nov. 3, 1989
Apr. 18, 1989	Apr. 25, 1989	18	May 5, 1989	Oct. 24, 1989	Oct. 31, 1989	45	Nov. 13, 1989 (Mon.)
Apr. 25, 1989	May 2, 1989	19	May 12, 1989	Oct. 31, 1989	Nov. 7, 1989	46	Nov. 17, 1989
May 2, 1989	May 9, 1989	20	May 19, 1989	Nov. 7, 1989	Nov. 14, 1989	47	Nov. 27, 1989 (Mon.)
May 9, 1989	May 16, 1989	21	May 26, 1989	Nov. 14, 1989	Nov. 21, 1989	48	Dec. 1, 1989
May 16, 1989	May 23, 1989	22	June 2, 1989	Nov. 21, 1989	Nov. 28, 1989	49	Dec. 8, 1989
May 23, 1989	May 30, 1989	23	June 9, 1989	Nov. 28, 1989	Dec. 5, 1989	50	Dec. 15, 1989
May 30, 1989	June 6, 1989	24	June 16, 1989	Dec. 5, 1989	Dec. 12, 1989	51	Dec. 22, 1989
June 6, 1989	June 13, 1989	25	June 23, 1989	Dec. 12, 1989	Dec. 19, 1989	52	Dec. 29, 1989
June 13, 1989	June 20, 1989	26	June 30, 1989	Dec. 19, 1989	Dec. 26, 1989	1	Jan. 5, 1990
June 20, 1989	June 27, 1989	27	July 7, 1989	Dec. 26, 1989	Jan. 2, 1990	2	Jan. 12, 1990

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

1) Heading of the Part: Standards for Award of Grants Elementary and Secondary Schools Capital Assistance Program.

2) Code Citation: 71 Ill. Adm. Code 40

3) Section Number: 40.130
Proposed Action: Amendment

4) Statutory Authority: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 771 et seq. and 783.11).

5) A Complete Description of the Subjects and Issues Involved: Language has been added to allow the Capital Development Board to approve a variance in the site size and configuration requirements for a school being constructed under the Capital Assistance Program. The local school board requesting the variance must certify the variance will not place the facility in noncompliance with educational program standards or federal laws or regulations. The request must be supported by a certification from the State Board of Education.

6) Will this proposed rule replace an emergency rule current in effect? No

7) Does this rulemaking contain an automatic repeal date? No
If "yes" please specify the date: _____

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No
Section Numbers Proposed Action Illinois Register Citation

10) Statement of Statewide Policy Objectives: Because this amendment permits a variance in requirements imposed upon local school boards and will not necessitate additional expenditure, the State Mandates Act is inapplicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days of this notice and addressed to:

Fredrick W. Hahn, Legal Advisor
Capital Development Board
401 South Spring Street
3rd Floor Wm. G. Stratton Bldg.
Springfield, IL 62706

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

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TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
CHAPTER 1: CAPITAL DEVELOPMENT BOARD
SUBCHAPTER a: RULES

PART 40
STANDARDS FOR AWARD OF GRANTS
ELEMENTARY AND SECONDARY SCHOOLS CAPITAL ASSISTANCE PROGRAM

- Section
40.110 General Statement
40.120 Planning Assistance Grants
40.130 Construction Grants
40.140 Debt Service Grants

AUTHORITY: Implementing the Capital Development Board Act and authorized by Section 1A-11 of that Act (Ill. Rev. Stat. 1987, ch. 127, par. 771 et seq. and 783.11).

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20342, effective October 1, 1984, amended at 9 Ill. Reg. 17345, effective October 29, 1985, amended at 111. Reg. _____, effective _____.

Section 40.130 Construction Grants

Prior to the award of a construction grant, school districts shall meet the following requirements:

- a) Program Statements
- Program Statements must be submitted to the Board for proposed facilities and sites requiring Capital Assistance Program (CAP) funding. Program Statements must conform to the CAP Guidelines for Program Statements as developed by the Board and which will address, but not be limited to, the following:

- 1) Project Rationale
- 2) The Community
- 3) Education Plan
 - A) Curriculum plan
 - B) Instruction method
 - C) Support plans
- 4) Activity Areas
- 5) General Building Considerations
- 6) Site Analysis
- 7) Spatial Relationships

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- 8) Spatial Measurements
- 9) Cost Estimates and Funding Sources
- 10) Time Schedule of Major Events

b) Standards for School Site Selection and Approval

- 1) The local school board shall select the sites for all new projects subject to the determination of the Board that the proposed site meets all minimum engineering and construction standards or requirements.
- 2) The Board will not approve a new site until the applicant district has informed the chief executive officer of the local government unit within whose jurisdiction the proposed site lies and has obtained any necessary approval of the district's plans as they may affect or be affected by the plans and policies of the local government.
- 3) Equal Educational Opportunity
- The proposed site must support legitimate efforts to eliminate and prevent segregation in schools because of race, religion, sex or national origin. The placement of the school must, at a minimum, be approved by the State Board of Education in this respect.
- 4) Suitability for Development and Construction

- A) The site must be free of physical structures, topographical features or subsurface physical conditions that would preclude necessary construction, present insurmountable obstacles to safety or normal utilization, shorten building life, cause excessive delays in project completion, or cause costs to exceed the funds available. "Necessary construction" shall include but not necessarily be limited to: buildings, utility lines, storm water disposal arrangements and paving. The local district shall provide a report, acceptable to the Board, on soil conditions based on the removal of soil for testing. The cost to the local school district of the soil test and report of that test shall be considered as a credit to the local share of the recognized project cost if the site is approved and a grant award is made.

- B) The site must not be subject to existing or foreseeable, harmful or disruptive environmental hazards and nuisances. Such hazards and nuisances may include, but are not

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necessarily limited to: excessive dust, smoke, noise, odors, air pollutants, floods, ground water incursions, vibrations, explosions, and electrical discharges.

5) Availability of Site

A) The local district shall have a period of 150 days from the time of grant award to acquire title to the site, or rights of use and exclusion sufficient to carry out the purposes and programs of the school. Such time period may be extended for 60 days by the Executive Director. Any further extension must be approved by the Board. Extensions will be granted in those cases in which there is a reasonable expectation that the district will be able to acquire the site within the period of the extension and the delay has been occasioned by a condition beyond the control of the district, such as a delay in acquiring a title commitment.

B) A grant will not be awarded until the Board has had a reasonable opportunity to enter upon the site, inspect it in detail, and conduct whatever site tests are deemed necessary to establish the suitability of the site for school purposes.

C) The Board will not approve a site unless its development and use for the proposed school is in compliance with local zoning laws, or unless action has been taken to bring variation of same into compliance.

D) When street vacations, utility relocations, or such action will be required prior to start of construction, the local district must present documentation that such actions will be approved by the responsible local governmental units before the Board will approve the site.

6) Site Size and Configuration

A) The proposed site must contain usable space sufficient in size and of regular configuration so as to accommodate the school's on-site program as well as to accommodate ancillary functions that are better served on-site than off-site, such as parking, bus loading and unloading, casual student assembly and play, and pedestrian movement between different points on the site.

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B) The school's on-site program shall be defined to include the school's instructional program and any other activities and events the applicant school district plans to conduct on the site. The applicant may tailor its on-site program to fit the site proposed, but the Board will not approve a site that is insufficient to accommodate a program that is standard for the district as a whole, nor will the Board approve a site that does not permit full compliance with program standards as embodied in state law (Ill. Rev. Stat. 1983, ch. 122, par. 2-3.25) and determined by the State Board of Education. Determination of the adequacy of the site's space in terms of the number of students shall be based on the design capacity of the school building.

C) Space for Buildings

In addition to those portions of the site required for other purposes, there must be a portion or portions of the site that are of such size, shape and physical quality that they are sufficient to accommodate the buildings that would be required by the maximum design enrollment of the school. This "building reserve" must be at least sufficient in ground area to provide for gross floor space, as set forth in the section on space standards for new construction, Section 40.130 (b)(6)(D). For facilities with more than one floor the "building reserve" must be at least sufficient in ground area to provide for one-half the gross floor space.

D) Non-Building Space

i) At a minimum, the site must provide the following amounts of space (in addition to that reserved for buildings to meet "Special Requirements" as defined in Section 40.130(b)(6)(E) following) of a shape, character and location that they can readily be improved to provide areas suitable for physical education and recreation, any planned accommodation of vehicles, and the accommodation of outdoor access, circulation and evacuation:

Minimum Usable Area for Non-Building Needs

School Grades	Sq. Ft. Student	Acres for	Sample Enrollments
K-6	113	.52	1.30 2.59
			200 500 1000 2000 3000

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7-9	143	1.64	3.28	6.57
10-12	195		4.48	8.95
				13.43

ii) For additions to existing schools, the addition should not be planned on existing open space and/or playground area of existing schools, unless it can be demonstrated that the construction of the addition will not reduce the amount of space necessary to fulfill the program and provide adequate recreational space.

iii) In those instances where a combination of the above minimum area requirements results in a total minimum requirement less than 1.5 acres, 1.5 acres shall be considered the minimum acceptable acreage.

E) Special Requirements

The above are minimums for usable area. However, irrespective of these minimums the site must be of sufficient size to provide for the following needs as indicated:

i) Space for Outdoor On-Site Program

There must be a portion or portions of the site, in addition to those reserved for other purposes, that are of such size, shape and physical character that they can be readily improved to accommodate the safe conduct of the outdoor portions of the on-site school program. The site must permit the safe conduct of a physical education program that meets district standards, taking into account the varying physical capacities of students, types and amounts of activities in the physical education program, and the daily and yearly time schedule of the school.

ii) Accommodation of Vehicles

There must be portions of the site, in addition to those necessary for other purposes, that are of such size, shape, physical quality and location that they can provide spaces for vehicles as indicated below without contravening local zoning ordinances: safe loading and unloading areas for school buses, where areas are necessary to the safety of students from street traffic; secure and convenient parking spaces

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for staff, visitors, and students in conformance with district policies; and safe accommodation of delivery and service vehicles involved in serving the school.

iii) Access, Circulation, Evacuation Assembly

There must be portions of the site of such size, shape, physical quality and location that they can be improved to provide: unobstructed exterior avenues of escape from the exits of all proposed buildings and the areas adjacent to buildings in the event that evacuation is necessary; safe and convenient circulation by students between and among the building(s) and outdoor activity areas of the site; safe accommodation for the unsupervised outdoor assembly of students and their pastimes before school, after school, at lunch breaks and at recesses; safe accommodation of the outdoor assemblies of students and spectators occasioned by school-sponsored spectator events to be held on the site.

F) Variance of Site Size and Configuration

The Board will approve a proposed site which does not meet the minimum requirements of Section 40.130 (b)(6)(A)-(E) when all the following criteria have been met:

i) The local school board petitions the State Board of Education and the Board for a variance from the minimum requirements of Section 40.130(b)(6)(A)-(E) stating with specificity the reasons for such variance.

ii) The local school board certifies to the Board that the requested variance will not place the facility in non-compliance with the educational program standards as described in 1987 Ill. Rev. Stat., ch. 122, par. 2-3.25 or with any federal laws or regulations.

iii) The State Board of Education certifies to the Board that the variance complies with all educational program standards of the State Board of Education as described in 23 Ill. Adm. Code, Subtitle A, ch. I and the State Board of Education identifies in its certification which of the minimum requirements is to be varied and to what extent.

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7)

Utilities and Services

A)

Water Supply

Water must be available at the site in sufficient volume and delivery rates and of appropriate quality to serve the firefighting needs of the proposed school as well as to accommodate other forms of water consumption.

B)

Sanitary Sewage Disposal

The location or character of the site must not prevent the disposal of sanitary sewage from the school.

C)

Storm Water Disposal

The location or character of the site must not prevent the disposal of storm water from the school.

D)

Electric, Power, Telephone, Gas

The site must present no obstacles to the provision of electric power, telephone services, and whatever gas service the school may require at the point in the construction process when utility hook-ups are made.

E)

Solid Waste Management Systems

Solid waste management services must be available to the site.

8)

Architect-Engineer Selection.

The selection of an architect-engineer shall be in accordance with 44 Ill. Adm. Code 1000.110. Grants will not be awarded to local school districts which have contracted with an architect or engineer unless the selection of the architect or engineer has been previously approved by the Board.

9)

State and Local Financial Participation in School Construction Projects.

A) Determination of Recognized Project Cost

- i) Recognized project cost shall include unit cost (\$/sq.ft.) as follows: buildings constructed to the

five foot line, design and construction contingencies, building fixed equipment; plus additional associated costs as deemed appropriate by the Board in consultation with local school districts as follows: site improvements including related A/E fees and reimbursements, land acquisition and associated legal fees for the project site acquired, movable equipment, and utility service lines, both on-site and off-site, and special foundation construction and related A/E fees deemed necessary as a result of unusual sub-surface soil conditions.

- ii) The Board shall establish unit cost limitations for elementary, secondary and vocational school construction based upon periodic review and revision of maximum cost per gross square foot allowances.

B) Space Standards for New Construction

- i) New schools with adequate space for all necessary instructional and ancillary activities require more space per students than additions to existing schools. Different space standards are required to accommodate different grade levels, i.e., K-6, 7-9, and 10-12. Economies of scale in terms of space per student can be anticipated for larger schools. New construction should involve no less than the gross space allowance for 180 elementary students, 200 junior high students, or 450 senior high students, except under unusual circumstances.

- ii) The following maximum standards are established for the determination of the State share of the recognized project cost in connection with a construction grant:

New Elementary School K-6

Gross sq. footage per student 76

Gross sq. footage per additional student beyond 240 students 62

New Junior High School 7-9

Gross sq. footage per

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student	120
Gross sq. footage per additional student beyond 400 students	100
New High School	9-12
Gross sq. footage per student	140
Gross sq. footage per additional student beyond 600 students	110

C) For new additions to existing buildings total projects should be planned for not less than the gross space allowance for 150 students. Multiple sites may be considered, but for no less than 50 students at any one site. Space standards for additions should not exceed those for new buildings as detailed in subparagraph (B) above. Unless a variance is granted by the Board based on evidence of projected enrollments and space needs presented by the user agency, space standards should equal those set forth in subparagraph (B) above for additional students beyond the base numbers of 240 students for elementary, 400 students for junior high and 600 for new high schools. Applications from school districts over 500,000 inhabitants should be limited to those projects planned for new construction or large additions (over 450 pupils) for the project year.

D) The recognized project cost for remodeling/rehabilitation projects must be developed on an individual basis with space per student not to exceed standards set for construction of building additions as set forth in subparagraphs (B) and (C) above, and unit costs not to exceed standards for new construction as established from time to time by the Board.

E) Premises for Space Standards

i) All necessary types of space shall be included for freestanding schools.

ii) An average space-per-student can be derived from space type need by level: elementary, junior high and high school.

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iii) Space needs for additions to existing schools may be less than needs for freestanding schools.

iv) A building efficiency (net assignable space to total space) of 65% is the acceptable minimum.

v) Unit costs (\$/sq.ft.) used for determining the recognized project cost, including A/E design fees, building construction to the five foot line, fixed equipment, associated legal fees and a contingency shall be no greater than those unit costs established from time to time by the Board. Said unit costs are determined as needed and are established by resolution of the Board. In establishing unit costs the Board members shall be guided by current costs within the construction industry and the goal of receiving fair value for public funds expended.

F) Limits on CAP Participation and Site Cost

Districts will not receive Board assistance or credit for acreages beyond the following maximums:

Elementary - 5 acres plus 1 acre per 100 students
Junior High - 20 acres plus 1 acre per 100 students
High School - 30 acres plus 1 acre per 100 students

G) The State and local share of the recognized project cost shall be computed by multiplying the recognized project cost by the Grant Index. Local districts must provide the district share of the recognized project cost through bond referendum or other means within 90 days of the grant award by the Board. Such period shall may be extended by the Executive Director for a maximum period of 30 days if the district demonstrates that appropriate steps have been taken to obtain the district's share of the recognized project cost and that an additional 30 days is necessary to complete the process. Local school districts are urged to begin referendum proceedings upon grant entitlement by the State Board of Education.

H) The district share of the recognized project cost shall be placed in a local trust account pursuant to 71 Ill. Adm. Code 30.

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- I) School districts may add to a project cost beyond the recognized project cost with local district funds. Funds for such project supplements must be deposited in inviolable trust accounts.
- J) To insure that State funds are applied only to the recognized project cost, the percentage of the architect's design estimate, by trade, will be applied to the bids to determine the portion representing the recognized and supplemental project cost. The actual recognized project cost as derived from the above bidding will be multiplied by the grant index to determine the final dollar amounts to be paid by the State and local school districts. The supplemental project cost will be paid by the local school district as specified in subparagraph (I) above. Any savings realized in bidding shall be equitably distributed between the State and the local school district.

(Source: Amended at Ill. Reg. _____, effective _____)

ILLINOIS REGISTER

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) The Heading of the Part: Pay Plan
- 2) The Code Citation: 80 Ill. Adm. Code 310
- 3) Section Numbers:

	<u>Proposed Action:</u>
310.30	Amended
310.230	Amended
310.280	Amended
310.290	Amended
310.320	Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)
- 5) A Complete Description of the Subjects and Issues Involved:

In Sections 310.30 and 310.320, the year date of the Illinois Revised Statutes is being changed from 1983 to 1987 to reflect the current edition.

In Section 310.230, the Part-Time Daily or Hourly Special Services Rate section is being revised to include the titles and hourly rates of the Building/Grounds Laborer (\$3.35 to \$5.30), Building/Grounds Lead I (\$3.50 to \$5.00), Building/Grounds Lead II (\$4.50 to \$6.00), and Building/Grounds Maintenance Worker (\$5.00 to \$6.00). Also, the title of the Occupational Therapist Program Coordinator is being included with the daily rate of \$40 to \$160. The abolished title of Physical/Occupational Therapist III is being deleted.

In Section 310.280, the Designated Rate section is being revised to update and modify this section as it currently reflects those changes approved by the Governor.

In Section 310.290, the Out-of-State or Foreign Service Rate section is being revised to include newly created positions in different areas. The Accounting and Fiscal Administration Career Trainee, Revenue Auditor I, II and III positions are being established in the following States besides California, New Jersey, Ohio and Texas: Colorado, Georgia, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Carolina, Tennessee, and Wisconsin. The position of Revenue Regional Administrator is also being established in the New Jersey Office with the salary range of \$3,250 - 6,323, and is, therefore, being added to this section.

6) Will this proposed rule replace an emergency rule currently in effect?

No

7) Does this rulemaking contain an automatic repeal date? If "yes", please specify date: Yes X No

8) Do these proposed amendments contain any incorporations by reference?

No

9) Are there any proposed amendments pending to this part? No

Sections Numbers	Proposed Action	Ill. Reg. Citation
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10) Statement of Statewide Objectives:

These amendments to the Pay Plan pertain only to State employees subject to the Personnel Code and do not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Mr. Michael Murphy
Department of Central Management Services
Division of Technical Services
504 William G. Stratton Building
Springfield, Illinois 62706

Telephone: (217) 782-5436

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

The Department of Central Management Services' Pay Plan does not affect private businesses. Amendments made to the Pay Plan are not subject to any guidelines or regulations of the Department of Commerce and Community Affairs.

B) Types of small businesses affected:

None. The Department of Central Management Services' Pay Plan extends only to Personnel Code employees under the jurisdiction of the Governor.

C) Reporting, bookkeeping or other procedures required for compliance:

None

D) Types of professional skills necessary for compliance:

None

The full text of the Proposed Rule(s) begins on the next page.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND

POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

Section 310.20 Policy and Responsibilities
 310.30 Jurisdiction
 310.40 Pay Schedules
 310.50 Definitions
 310.60 Conversion of Base Salary to Pay Period Units
 310.70 Conversion of Base Salary to Daily or Hourly Equivalents
 310.80 Increases in Pay
 310.90 Decreases in Pay
 310.100 Other Pay Provisions
 310.110 Implementation of Pay Plan Changes, Effective July 1, 1988
 310.120 Interpretation and Application of Pay Plan
 310.130 Effective Date
 310.140 Reinstitution of Within Grade Salary Increases
 310.150 Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section 310.205 Introduction
 310.210 Prevailing Rate
 310.220 Negotiated Rate
 310.230 Part-Time Daily or Hourly Special Services Rate
 310.240 Hourly Rate
 310.250 Member, Patient and Inmate Rate
 310.260 Trainee Rate
 310.270 Legislated and Contracted Rate
 310.280 Designated Rate
 310.290 Out-of-State or Foreign Service Rate
 310.300 Education Rate
 310.310 Physician Specialist Rate
 310.320 Annual Compensation Ranges of Executive Director and Assistant Executive Director, State Board of Elections
 310.330 Excluded Classes Rate (Repealed)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

SUBPART C: MERIT COMPENSATION SYSTEM

Section 310.410 Jurisdiction
 310.420 Objectives
 310.430 Responsibilities
 310.440 Merit Compensation Salary Schedule
 310.450 Procedures for Determining Annual Merit Increases
 310.455 Intermittent Merit Increase
 310.456 Merit Zone
 310.460 Other Pay Increases
 310.470 Adjustment
 310.480 Decreases in Pay
 310.490 Other Pay Provisions
 310.500 Definitions
 310.510 Conversion of Base Salary to Pay Period Units
 310.520 Conversion of Base Salary to Daily or Hourly Equivalent
 310.530 Implementation
 310.540 Annual Merit Increase Guidechart
 310.550 Fiscal Year 1985 Pay Changes in Merit Compensation System effective July 1, 1984 (Repealed)

APPENDIX A

TABLE A Negotiated Rates of Pay
 HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
 TABLE B HR-200 (Department of Labor - Chicago, Illinois - SEIU)
 TABLE C RC-069 (Firefighters, AFSCME)
 TABLE D HR-001 (Teamsters Local #726)
 TABLE E RC-020 (Teamsters Local #330)
 TABLE F RC-019 (Teamsters Local #25)
 TABLE G RC-045 (Automotive Mechanics, ISEA)
 TABLE H RC-006 (Corrections Employees, AFSCME)
 TABLE I RC-009 (Institutional Employees, AFSCME)
 TABLE J RC-014 (Clerical Employees, AFSCME)
 TABLE K RC-023 (Registered Nurses, INA)
 TABLE L VR-004 (Illinois State Treasurer's Office Employees, Teamsters and IFT)
 TABLE M RC-027 (Educators, AFSCME) (Repealed)
 TABLE N RC-027 (Physician Rates, AFSCME) (Repealed)
 TABLE O RC-028 (Paraprofessional Human Services Employees, AFSCME)
 TABLE P RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, ISEA)
 TABLE Q RC-033 (Meat Inspectors, ISEA)
 TABLE R RC-042 (Residual Maintenance Workers, AFSCME)
 TABLE S HR-012 (Fair Employment Practices Employees, SEIU)
 TABLE T HR-010 (Teachers of Deaf, IFT)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)
TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly and Annual Rates of Pay
APPENDIX C	Physician Administrator and Medical Facilities Administrator Rates
APPENDIX D	Merit Compensation System Salary Schedule
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)

AUTHORITY: Implementing and authorized by Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1987, ch. 127, par. 63b108a(2)).

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 28, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; emergency amendment at 10 Ill. Reg. 13675, effective July 31, 1986; emergency amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

September 17, 1986; emergency amendments at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 105 days; emergency amendment at 10 Ill. Reg. 19132, effective October 28, 1986; emergency amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; emergency amendment at 11 Ill. Reg. 3363, effective February 3, 1987; emergency amendment at 11 Ill. Reg. 4388, effective February 27, 1987; emergency amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; emergency amendment at 11 Ill. Reg. 15273, effective September 1, 1987; emergency amendment at 11 Ill. Reg. 17919, effective October 19, 1987; emergency amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; emergency amendment at 12 Ill. Reg. 3811, effective January 27, 1988; emergency amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; emergency amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 8135, effective April 22, 1988; emergency amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; emergency amendment at 12 Ill. Reg. 20584, effective November 28, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 310.30 Jurisdiction

All positions of employment in the service of the State of Illinois shall be subject to the provisions of this Part unless specifically excluded now, or hereafter, under Section 4(c) (General Exemptions) or Section 4(d) (Partial Exemptions) of the Personnel Code (Ill. Rev. Stat. 1983, ch. 127, pars. 63(b)(1) et. seq.) or other pertinent legislation. Those positions to which jurisdiction of the Personnel Code has been or may be later extended shall also be subject to the provisions of this Part.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Section 310.230 Part-Time Daily or Hourly Special Services Rate

The rate of pay as approved by the Director of Central Management Services for persons employed on a consultative or part-time basis requiring irregular hours of work shall be as listed below, except the total compensation of an employee in any given month shall not exceed the monthly rate of Step 5 of the salary grade for the title as shown in the Schedule of Salary Grades (Appendix B) if the class title is subject to the Schedule of Salary Grades, or Step 5 of the negotiated salary range for classes of positions shown in Section 310.220, Subpart B, Schedule of Rates, or 75% of the maximum rate of those classes of positions subject to the provisions of the Merit Compensation System, Subpart C of this Pay Plan.

Apiary Inspector	\$10 to \$50
Building/Grounds Laborer	\$3.35 to \$5.30 (per hour)
Building/Grounds Lead I	\$3.50 to \$5.00 (per hour)
Building/Grounds Lead II	\$4.50 to \$6.00 (per hour)
Building/Grounds Maintenance Worker	\$5.00 to \$6.00 (per hour)
Chaplain I	\$20 to \$70
Chemist I	\$30 to \$45
Clerk I	\$3.50 to \$4.00 (per hour)
Clerk II	\$42 to \$62
Clerk III	\$45 to \$65
Clerk IV	\$4.00 to \$7.00 (per hour)
Clerk Typist I	\$4.00 to \$4.50 (per hour)
Clerk Typist II	\$4.25 to \$5.00 (per hour)
Conservation Worker	\$3.91 (per hour)
Conservation Worker (2nd season -- site interpretation)	\$4.02 (per hour)
Conservation Worker (3rd season -- site interpretation)	\$4.14 (per hour)
Dentist I	\$70 to \$150
Dentist II	\$100 to \$185
Educator	\$25 to \$60
Educator Aide	\$18 to \$35
Field Inspector	\$26 to \$40
Hearing and Speech Specialist III	\$15 to \$30 (per hour)
Hearings Referee	\$75 to \$200
Janitor I	\$4.73 to \$5.30 (per hour)
Labor Maintenance Lead Worker	\$5.00 to \$6.00 (per hour)
Labor Relations Investigator I	\$35 to \$50
Labor Relations Investigator II	\$40 to \$70
Laboratory Technician II	\$26 to \$40
Laborer (Maintenance)	\$3.35 to \$5.00 (per hour)
Lifeguard	\$3.91 (per hour)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Lifeguard Captain	\$4.02 (per hour)
Maintenance Worker	\$3.50 to \$5.00 (per hour)
Nurse I	\$39 to \$54
Nurse I (2nd or 3rd shift)	\$41 to \$56
Nurse I (Cook County)	\$43 to \$58
Nurse I (Cook Co. 2nd or 3rd shift)	\$44 to \$59
Nurse II	\$43 to \$58
Nurse II (2nd or 3rd shift)	\$44 to \$59
Nurse II (Cook County)	\$45 to \$60
Nurse II (Cook Co. 2nd or 3rd shift)	\$47 to \$62
Occupational Therapist	\$40 to \$160
Program Coordinator	\$50 to \$160 (daily)
Optometrist	\$15 to \$35 (hourly)
Optometrist	
Physiatrist/Occupational Therapist-III	\$40 to \$160
Physician	\$100 to \$300
Physician Specialist (A)	\$100 to \$325 (daily)
Physician Specialist (A)	\$20 to \$60 (hourly)
Physician Specialist (B)	\$100 to \$350 (daily)
Physician Specialist (B)	\$20 to \$70 (hourly)
Physician Specialist (C)	\$100 to \$360 (daily)
Physician Specialist (C)	\$20 to \$75 (hourly)
Physician Specialist (D)	\$100 to \$370 (daily)
Physician Specialist (D)	\$20 to \$85 (hourly)
Podiatrist	\$50 to \$125
Psychologist I	\$35 to \$80
Psychologist II	\$40 to \$125
Psychologist III	\$40 to \$150
Psychologist IV	\$55 to \$175
Recreation Worker I	\$25 to \$40
Recreation Worker I	\$5.33 (per hour)
Social Worker II	\$35 to \$75
Social Worker III	\$35 to \$80
Student Worker	\$3.35 to \$6.00 (per hour)
Tax Examiner	\$53 to \$73
Technical Advisor II	\$20 to \$35 (per hour)
Technical Advisor III	\$30 to \$60 (per hour)
Technical Advisor IV	\$50 to \$80 (per hour)
Veterinarian II	\$95 to \$130 (daily)
Watch Attendant I	\$4.28 to \$4.87 (per hour)

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Section 310.280 Designated Rate

The rate of pay for a specific position or class of positions where it is deemed desirable to exclude such from the other requirements of this Pay Plan shall be only as designated by the Governor.

Department of Alcoholism and Substance AbuseExecutive-III

(Pos. No. 13853-39-00-400-10-01)

Annual Salary
\$46,632

Banks and Trust CommissionTechnical Advisor IV

(Pos. No. 45254-50-92-300-00-01)

Annual Salary
\$50,000

Department of Central Management ServicesAdministrative Services-Program-Executive

(Pos. No. 00580-37-09-000-00-01)

Annual Salary
\$49,632

Executive-IV

(Pos. No. 13854-37-00-500-00-01)

Annual Salary
\$45,780

Executive Press Photographer

(Pos. No. 14000-37-03-115-10-0105-000-00-36)

Annual Salary
\$31,896

Technical-Advisor-IV

(Pos. No. 45254-37-25-200-00-01)

Annual Salary
\$47,250

Technical-Advisor-V

(Pos. No. 45255-37-70-000-09-35)

Annual Salary
\$55,956

Information System Specialist II

(Pos. No. 21212-37-10-120-00-01000-09-08)

Annual Salary
\$60,160
\$53,172

Department of Commerce and Community AffairsExecutive-IV

(Pos. No. 13854-42-20-600-00-01)

Annual Salary
\$41,040

Executive-V

(Pos. No. 13855-42-00-000-00-01)

Annual Salary
\$45,000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Executive-V (Pos. No. 13855-42-00-000-06-01)

Annual Salary
\$48,000

Executive-V (Pos. No. 13855-42-00-000-00-03)

Annual Salary
\$55,000

Executive-V (Pos. No. 13855-42-00-500-00-01)

Annual Salary
\$58,368

Commerce & Community Affairs-Program-Executive
(Pos. No. 08400-42-00-000-00-01)

Annual Salary
\$64,000

Commerce & Community Affairs-Program-Executive
(Pos. No. 08400-42-00-100-00-01)

Annual Salary
\$64,000

Commerce & Community Affairs-Program-Executive
(Pos. No. 08400-42-40-000-00-01)

Annual Salary
\$64,000

Executive-V (Pos. No. 13855-42-00-000-00-04)

Annual Salary
\$26,000 (part-time)

Department of ConservationChief of Special Services

(Pos. No. 07085-12-00-300-00-01)

Annual Salary
\$47,900

Executive III

(Pos. No. 13853-12-31-600-00-01)

Annual Salary
\$49,000
\$51,450

Program Policy Advisor-Option-A

(Pos. No. 34670-12-01-000-00-01)

Annual Salary
\$50,000

Department of CorrectionsExecutive-IV

(Pos. No. 13854-29-13-500-00-01)

Annual Salary
\$41,256

Health Care Cost Containment CouncilExecutive V

(Pos. No. 13855-50-72-000-00-01)

Annual Salary
\$57,000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Department of Historic Preservation

Executive-V
(Pos. No. 13855-48-00-000-00-01)

Annual Salary
\$55,000

Illinois Arts Council

Executive Director of the Ill. Arts Council
(Pos. No. 13868-50-90-000-00-01)

Annual Salary
\$55,000

Department of Insurance

Deputy Director
(Pos. No. 12200-14-00-000-00-01)

Annual Salary
\$64,920
\$72,600

Department of Mental Health and Developmental Disabilities

Administrative Assistant-III
(Pos. No. 09503-22-30-371-00-01)

Annual Salary
\$33,000

Mental Health Program Executive
(Pos. No. 26895-22-15-001-00-01)

Annual Salary
\$53,524

Pharmacist-IV

(Pos. No. 32004-22-59-914-10-01)

Annual Salary
\$45,000

Pharmacy Services Manager

(Pos. No. 32015-22-59-914-10-01)

Annual Salary
\$45,000

Physician Administrator II

(Pos. No. 32212-22-15-600-00-01)

Annual Salary
\$90,000

Program Policy Advisor

(Pos. No. 34670-22-15-420-00-02)

Annual Salary
\$39,672

Department of Public Aid

Public Aid Program Executive II
(Pos. No. 35889-33-00-000-00-51)

Annual Salary
\$70,008

Executive-V

(Pos. No. 13855-33-00-400-00-01)

Annual Salary
\$58,000

Department of Public Health

Technical Advisor-V

(Pos. No. 45255-20-02-000-00-81)

Annual Salary
\$58,000

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Department of Revenue

Revenue Fraud Agent-IV
(Pos. No. 38524-25-22-100-50-01)

Annual Salary
\$43,554

Department of State Police

State Police Program Executive
(Pos. No. 42250-21-70-000-00-01)

Annual Salary
\$57,200

Deputy Director

(Pos. No. 12200-21-00-000-00-01)

Annual Salary
\$62,769

Executive-V

(Pos. No. 13855-21-10-000-30-01)

Annual Salary
\$55,615

Executive V

(Pos. No. 13855-21-1000-000-40-01)

Annual Salary
\$55,615

Executive-V

(Pos. No. 13855-21-10-000-50-01)

Annual Salary
\$55,615

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 310.290 Out-of-State or Foreign Service Rate

The rate of pay for employees occupying positions which require payment in accordance with the economic conditions and social legislation of another state or foreign country. An adjustment may be made to the salary of an employee stationed in a foreign country to compensate for a change in the currency exchange rate. The Director of the Department of Central Management Services will, before approving an adjustment, consider the need of the employing agency, the treatment of other similar situations, prevailing practices of other employers, and the equity of the particular circumstances.

Title

Range
Effective Fiscal Year 1989

Account Technician I

(Texas/California/Ohio)(CA, OH, TX)
(New-Jersey)(NJ)

\$1608 -2025
1817 -2289

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

As provided in P.A. 83-0941 and subject to Section 8a(2) of the Personnel Code (Ill. Rev. Stat. 1983, ch. 127, par. 63b108a(2)), the State Board of Elections shall determine the annual compensation of its Executive Director and Assistant Executive Director consistent with the following:

Executive Director

Equivalent to Salary
Range MC 15 as set
forth in 310-Appendix D

Assistant Executive Director

Equivalent to Salary
Range MC 13 as set
forth in 310-Appendix D

(Source: Amended at 13 Ill. Reg. _____, effective _____)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

Title	Effective Fiscal Year	Range
Accounting and Fiscal Administration Career Trainee (Texas/Gallifornta/Ohio)(CA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (New-Jersey)(NJ)	1825 -2336	
Clerk Typist I (Foreign Service)	2063 -2640	
Clerk Typist III	1282 -1549	
(Texas/Gallifornta/Ohio)(CA, OH, TX) (New-Jersey)(NJ)	1401 -1718	
Foreign Service Economic Development Executive I	1583 -1942	
Foreign Service Economic Development Executive II	2521 -4217	
Foreign Service Economic Development Representative	3268 -5546	
Revenue Audit Supervisor	2170 -3507	
(Texas/Gallifornta/Ohio)(CA, OH, TX) (New-Jersey)(NJ)	2869 -4884	
Revenue Auditor I	2868 -5521	
(Texas/Gallifornta/Ohio)(CA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX and WI) (New-Jersey)(NJ)	2190 -2866	
Revenue Auditor II	2475 -3240	
(Texas/Gallifornta/Ohio)(CA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX AND WI) (New-Jersey)(NJ)	2422 -3187	
Revenue Auditor III	2738 -3602	
(Texas/Gallifornta/Ohio)(CA, CO, GA, IN, IA, KY, MI, MN, MO, NE, NC, OH, TN, TX AND WI) (New-Jersey)(NJ)	2699 -3582	
Revenue Deputy Regional Administrator	3051 -4528	
(Texas/Gallifornta/Ohio)(CA, OH, TX) (New-Jersey)(NJ)	3044 -5227	
Revenue Regional Administrator	3044 -5909	
(NJ)	3250 -6323	
Secretary I	1608 -2025	
(Texas/Gallifornta/Ohio)(CA, OH, TX) (New-Jersey)(NJ)	1817 -2289	

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 310.320 Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: State Administration of the Federal Community Services Block Grant Program

2) Code Citation: 47 Ill. Adm. Code 120

3) Section Numbers: 120.80
120.100
Proposed Action:
Amendment

4) Statutory Authority: Implementing Section 2 of the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1987, ch. 127, par. 2602) and authorized by Section 46.42 of the Civil Administrative Code of Illinois.

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment to Section 120.80 serves to delete subsection (c)(3) and its requirement that certain grantees submit an agency-wide Statement of Revenues and Expenditures and a Balance Sheet. The "Complaint Process" addressed in Section 120.100 has been revised to reference the department's "Review and Appeal Procedures" rules (47 Ill. Adm. Code 10) for Applicant, Grantee, or CSBG program eligible client complaints and Section 120.55 of this Part for complaints relating to funding termination of Community Action Agencies.

6) Will these proposed amendments replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Do these proposed amendments contain incorporations by reference? No.

9) Are there any proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1987, ch. 85, par. 2203).

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this proposed rulemaking in writing within 45 days after this edition of the Illinois Register to the following:

Mr. Dennis R. Whetstone, Deputy Director
Department of Commerce and Community Affairs
Bureau of Program Administration
620 East Adams Street, 5th floor
Springfield, Illinois 62701

(217) 782-6136

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 20, 1989
- B) Types of small businesses and small municipalities affected: Small municipalities does not directly affect small businesses or small municipalities.

C) Reporting, bookkeeping or other procedures required for compliance: This rulemaking reduces the CAA reporting requirements by eliminating the required submission of the agency-wide Statement of Revenues and Expenditures and Balance Sheet. The amendment to the "Complaint Process" section provides a reference to specific procedures to be followed by a complainant and the department. Those procedures require that a complainant must comply with the specific content and timelines for submitting: a notice of its intent to appeal, a written request for review; a request for a formal hearing; a request for discovery materials; a request for continuance; and written exceptions to the Director.

- D) Types of professional skills necessary for compliance: No special skills are necessary for compliance.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 120
STATE ADMINISTRATION OF THE FEDERAL COMMUNITY SERVICES
BLOCK GRANT PROGRAM

Section	
120.10	Legislative Base
120.20	Purpose and Scope
120.30	Definitions
120.40	Allocation
120.50	Grant Application Requirements
120.55	Grantee Termination
120.60	Grantee Selection
120.70	Required Board Structure
120.80	Administrative Requirements
120.90	Non Discrimination
120.100	Complaint Process
120.110	Program Types-Description
120.120	Eligibility Requirements
120.130	Limitations on Use of CSBG Funds
120.140	Incorporation by Reference

AUTHORITY: Implementing the Illinois Economic Opportunity Act (Ill. Rev. Stat. 1987, ch. 127, pars. 2601 et seq.) and authorized by Section 46.42 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 46.42).

SOURCE: Adopted and codified at 7 Ill. Reg. 2934, effective March 9, 1983; amended at 8 Ill. Reg. 6023, effective April 20, 1984; amended at 9 Ill. Reg. 10692, effective June 28, 1985; amended at 9 Ill. Reg. 18130, effective November 12, 1985; amended at 10 Ill. Reg. 8666, effective May 13, 1986; amended at 10 Ill. Reg. 8976, effective May 13, 1986; amended at 10 Ill. Reg. 21051, effective December 8, 1986; amended at 11 Ill. Reg. 5926, effective March 19, 1987; amended at 11 Ill. Reg. 7937 effective April 20, 1987; amended at 12 Ill. Reg. 751, effective December 28, 1987; amended at 12 Ill. Reg. 17311, effective October 17, 1988; amended at 13 Ill. Reg. _____, effective _____.

Section 120.80 Administrative Requirements

For the purpose of this Part, administrative requirements specified in 47 Ill. Adm. Code 1 and as follow are applicable.

- a) Compensation - The Grantee cannot be reimbursed for costs which exceed the total approved budget. Budget line items within and

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

between cost categories may be increased without prior approval by up to 20% when other line items or cost categories are reduced by corresponding monetary amounts in other categories. The administration category may only be reduced and the special category may only be increased. Equipment and contractual service line items may not be increased without prior approval. The Department will grant approval to modify budgeted amounts when the modification is necessary to achieve program objectives.

- b) Unexpended Funds - CSBG fund balance from the previous fiscal year will be, subject to written approval of DCCA, carried into the grantee's succeeding fiscal year CSBG program. The carry-over funds will not reduce the succeeding fiscal year allocation, but the carry-over amount should not exceed 20% of the agency's annual CSBG allocation and the succeeding year's work program must reflect additional planned program achievements with reasonable probability of accomplishing those planned achievements so as to eliminate future substantive unexpended balances.

c) Reporting

- 1) An Expenditure Summary and Payment Request shall be submitted to the Department on or before the fifteenth calendar day of each month after the first month of the program year, using forms provided by the Department.

- 2) A Quarterly Program Report shall be submitted to the Department by the 15th day following the end of each calendar quarter.

- 3) An agency-wide statement of revenues and expenditures (statement) for the prior twelve (12) month period ending September 30 and Balance Sheet for the period ending September 30 shall be submitted annually to the Department by any grantee which is not covered under the Single Audit Act of 1984 (31 U.S.C. 7501-7507) or does not have an existing agreement with the Department and its other funding sources for an annual Agency-Wide Audit. In order to be exempt from this requirement, the Single or Agency-Wide Audit must include a Balance Sheet All Funds as described in Appendix II of Guidelines for Financial and Compliance Audits of Federally Assisted Programs published by the United States General Accounting Office (October, 1978). The Department will approve written requests for alternative twelve (12) month base periods, such as the grantee agency's fiscal year end date, when such requests are made prior to mid-term of the grant documents subject to

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

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this Part. The Statement and Balance Sheet must be received by the Department on or before November 1 of each program year or within sixty (60) days of the approved base period. The Statement and Balance Sheet must be signed by the Grantee's fiscal officer, certifying the documents' accuracy, and co-signed by the Chairperson of the Board and prepared in accordance with generally accepted accounting principles of the American Institute of Certified Public Accountants (AICPA) (June, 1984):

d) Contractual Services - All contractual services require prior approval of the Department. Grantees will request approval of contractual services as part of the annual budget process and in any subsequent modifications to the contractual services line item of the budget. Requests to expend funds for contractual services will be approved when the following conditions are met:

- 1) services respond to a demonstrated need (i.e., legal services, transportation, licensed drug/alcohol counseling);
- 2) services are not duplicative of existing program services;
- 3) services are an allowable cost in accordance with Generally Accepted Accounting Principles of the American Institute of Certified Public Accountants (1983); and
- 4) services benefit low income participants in accordance with Section 120.60(b)(3)(B) of this Part.

e) Publication, Reproduction and Use of Material - Any publication produced as a result of a CSBG grant shall include in its title page the following citation: "This project was conducted with funds provided by the Illinois Department of Commerce and Community Affairs and does not necessarily represent in whole or in part the viewpoint of the Illinois Department of Commerce and Community Affairs."

f) Assurances - Grantees must comply with the provisions of Sections 675(c)(2)(B)(6) through (10) of the Act.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 120.100 Complaint Process

In the event of an Applicant, Grantee, or CSBG program eligible client complaint, the Department will follow the procedures outlined in the

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF PROPOSED AMENDMENTS

Administrative Review - Law (111-Rev-Stat-1985, ch-110, pars-3-101 et seq.) 47 Ill. Adm. Code 10, with the exception of complaints relating to funding termination of Community Action Agencies. Those complaints and appeals will follow the process described at Section 120.55 of this Part which is in accordance with the federal Community Services Block Grant Act..

(Source: Amended at 13 Ill. Reg. _____, effective _____)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Numbers: Proposed Action:
 1520.10 Amendment
 1520.46 New Section
 1520.50 Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 38, pars. 210-1 et seq.

- 5) A Complete Discussion of the Subjects and Issues Involved: These rules establish operating procedures for the application, receipt and administration of funds under the federal Anti-Drug Abuse Act of 1988 (P.L. 100-690), and for appeals taken therefrom.

- 6) Will this Proposed Rule Replace an Emergency Rule Currently in Effect? Yes

- 7) Does This Rulemaking Contain an Automatic Repeal Date? No

- 8) Does This Proposed Amendment Contain Incorporations by Reference? No

- 9) Are There Any Other Proposed Amendments Pending in this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not impose requirements which would require a local government to establish, expand or modify its activities.

- 11) Time, Place, and Manner in Which Interested Persons may Comment on This Proposed Rulemaking:

Interested persons should send their comments concerning these amendments in writing within 45 days to:

Robert P. Boehmer
 Legal Advisor
 Illinois Criminal Justice Information Authority
 120 South Riverside Plaza
 Chicago, Illinois 60606
 (312/793-8550)

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

NOTICE OF PROPOSED AMENDMENTS

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The text of these proposed amendments is identical to the text of the emergency amendments appearing in this issue of the Register on page 1608.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: Functions and Planning Program
- 2) Code Citation: 23 Ill. Adm. Code 2310.
- 3) Section Number: 2310.80 Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 144, pars. 1305.01, 1305.07 and 1305.13
- 5) A Complete Description of the Subjects and Issues Involved: Section 2310.80 is being amended to reduce the Annual Fee rule effective July 1, 1989.
- 6) Will this proposed rule replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed amendment contain incorporations by reference? No.
- 9) Are there any other amendments pending on this part? No.
- 10) Statement of Statewide Policy Objectives: N/A. This proposed amendment does not create or expand any state mandate on units of local government, school districts, or community college districts.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Authority will consider all written comments sent to the address listed below within 45 days after publication of this notice.

Name: Richard E. Favoriti, Executive Director

Address: Illinois Educational Facilities Authority
333 West Wacker Drive/Suite 2500
Chicago, Illinois 60606-1218

Telephone: (312) 781-6633
- 12) Initial Regulatory Flexibility Analysis: N/A. This rulemaking has no effect on small businesses.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected:
- C) Reporting, bookkeeping or other procedures required for compliance:
- D) Types of professional skills necessary for compliance:

The full text of the Proposed Rule begins on the next page.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER XIV: ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

PART 2310

FUNCTIONS AND PLANNING PROGRAM

Section	
2310.5	Introduction
2310.10	Who May Apply for Financing
2310.20	Types of Educational Facilities that can be Financed
2310.30	Types of Costs that can be Financed: Outstanding Debt
2310.40	Interest Rate on the Authority's Bonds
2310.50	Method of Financing
2310.60	Length of Bond Issue
2310.70	Type of Bond Issue
2310.80	Fees
2310.90	Authority Bond Issues and Bond Ratings (Repealed)
EXHIBIT A	Estimated Fee Schedule as Special Bond Counsel with Respect to Bonds Issued by Illinois Educational Facilities Authority (Repealed)

AUTHORITY: Implementing Sections 5.07 and 5.13 and authorized by Section 5.01 of the Illinois Educational Facilities Authority Act (Ill. Rev. Stat. 1987, ch. 144, pars. 1305.01, 1305.07 and 1305.13).

SOURCE: Filed December 23, 1977; amended at 4 Ill. Reg. 29, p. 270, effective July 2, 1980; amended at 6 Ill. Reg. 7414, effective July 1, 1982; codified at 7 Ill. Reg. 16396; amended at 8 Ill. Reg. 5192, effective April 6, 1984; amended at 8 Ill. Reg. 8444, effective June 5, 1984; amended at 10 Ill. Reg. 10569, effective June 30, 1986; amended at 11 Ill. Reg. 10600, effective May 26, 1987; amended at _____, effective _____.

ILLINOIS EDUCATIONAL FACILITIES AUTHORITY

NOTICE OF PROPOSED AMENDMENT

Section 2310.80 Fees

a) The Authority charges the following fees:

1) Application Fee - Submitted with application and not refundable.

A) \$250.00 on issues up to but not including \$1,000,000 principal amount;

B) \$500.00 on issues of \$1,000,000 up to but not including \$5,000,000 on principal amount;

C) \$1,000.00 on issues of \$5,000,000 principal amount and over.

Agency Note: This fee will be credited to the Administrative Charge upon approval of the application.

2) Administrative Charge - 1/4 of 1% of the principal amount of bonds issued or \$10,000 whichever is less - payable following the bond closing;

3) Annual Fee - Commencing July 1, 1989 ~~1987~~ the Annual Fee shall be ~~1/100ths~~ 2-75/100ths of 1% of the original amount of the bond issue.

b) These fees are designed to cover the operating expenses of the Authority. In addition, the participating institution will be expected to bear all other costs of the financing, including trustee's fees, printing expenses, the financial advisor's fee, and the fee and disbursements of bond counsel. These costs may be financed with bond proceeds.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Fire Prevention and Safety

2) Code citation: 41 Ill. Adm. Code 100

3) Section numbers:
100.110
Proposed Action:
New Section

4) Statutory Authority: Section 9 of AN ACT relating to the investigation and prevention of fire (Ill. Rev. Stat. 1987, ch. 127 1/2, pars. 9).

5) A Complete Description of the Subjects and Issues Involved: The Office is modifying certain requirements contained in its recently adopted rules. The requirements for fire alarm systems is modified to comport with a recent state statute and to include the components of alarm systems that were required for sprinkler systems in certain facilities. The rule clarifies what is considered as below grade and staffing ratios.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The proposed amendment is believed to reduce regulatory burden and have no negative economic impact.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days to Ms. Sharon Halford, Office of the State Fire Marshal, 3150 Executive Park Drive, Springfield, Illinois 62703-4599.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 20, 1989

B) Types of small businesses affected: Child Care Facilities.

C) Reporting, bookkeeping or other procedures required for compliance: None.

D) Types of Professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

OFFICE OF THE STATE FIRE MARSHAL
NOTICE OF PROPOSED AMENDMENTS

TITLE 41: FIRE PROTECTION
CHAPTER I: OFFICE OF THE STATE FIRE MARSHAL

PART 100
FIRE PREVENTION AND SAFETY

Section
100.1
100.3

100.4
100.5
100.7
100.110

100.Appendix A

Introduction
Title, Jurisdiction, Powers, Penalties, Right of Entry, Existing Structures
Building Construction Types
Fire Areas
Adoption of NFPA 101, Life Safety Code by Reference
Modification of N.F.P.A. 101 (1985) for Existing Child Care
Modification of Standards Referenced in NFPA 101

AUTHORITY: Implementing and authorized by Section 9 of "AN ACT relating to the investigation and prevention of fire" (Ill. Rev. Stat. 1987, ch. 127 1/2, par. 9)

SOURCE: Illinois Rules and Regulations for Fire Prevention and Safety, amended September 24, 1973; amended Jan. 8, 1974; Rules and Regulations relating to Fireworks filed October 8, 1974; codified at 5 Ill. Reg. 10673; amended at 6 Ill. Reg. 13021, effective December 15, 1982; amended at 7 Ill. Reg. 16399, effective January 1, 1984; amended at 9 Ill. Reg. 1009, effective July 1, 1985; Sections 100.81, 100.82 and 100.85 recodified to 41 Ill. Adm. Code 105.5, 105.10 and 105.20 at 11 Ill. Reg. 5992; Part repealed, new Part adopted at 12 Ill. Reg. 8017, effective August 1, 1988; emergency amendment at 13 Ill. Reg. 582, effective January 3, 1989, for a maximum of 150 days; amended at 111. Reg. _____, effective _____.

Section 100.110 Modification of N.F.P.A. 101 (1985) for Existing Child Care

a) Definitions:

Day care center is defined in the Child Care Act of 1969, Chapter 23, para. 2212.05, Ill. Rev. Stat., (1987)

Child Care Facility is defined in the Child Care Act of 1969, Chapter 23, para. 2212.09, Ill. Rev. Stat., (1987)

Existing means those already in existence on August 1, 1988 for the building area and number of clients on that date.

b) Existing Facilities and programs subject to inspection by the Office pursuant to the Child Care Act of 1969, and which provide care for children less than 24 hours per day, shall be inspected in accordance with Chapter 11.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- c) Child-to-Staff ratio shall comply with 89 Ill. Adm. Code 406 and 407 rather than N.F.P.A. 101 (1985) Section 11-7.1.1.1.
- d) Detection, alarm and communication systems for Child Care Facilities and programs shall comply with the following rather than the provisions of NFPA 101 (1985), section 11-7.3.4.
- 1) Child Care Facilities and programs with 20 or more clients, or located above or below the level of exit discharge regardless of number of clients, shall be provided with a fire alarm system in accordance with NFPA 101 (1985) Section 7-6, and must include:
- A) A smoke detection system, with detectors installed:
- i) on the uppermost ceiling of each interior stairwell, and on every level (including basements), except in unoccupied attics, and at the beginning and end of each corridor 200 or more feet in length, and
 - ii) in front of doors to stairwells and at intervals of no less than 30 feet in all corridors of all floors used by the child care facilities and programs, except in those facilities with smoke detection in every room off every corridor used by the child care facility and programs, and
 - iii) in all lounges, recreation areas and sleeping rooms.
- B) Rate of rise/fixed temperature, fixed temperature, or other fire detectors shall be installed in boiler rooms, kitchens, and hazardous and combustible storage areas.
- C) Initiation of the fire alarm system, including occupant and emergency force notification, shall be by manual means and by operation of any required detectors.
- D) Occupant notification must be in accordance with NFPA 101 (1985) section 7-6.3, and
- E) Emergency force notification must be in accordance with NFPA 101 (1985) Section 7-6.4 (a)-(d) except where all rooms occupied by the Child Care Facilities and programs have a direct exterior exit.

OFFICE OF THE STATE FIRE MARSHAL

NOTICE OF PROPOSED AMENDMENTS

- 2) Child Care Facilities and programs with up to 19 clients shall have:
- A) Smoke detectors meeting the requirements of NFPA 74 (1984) installed as follows:
- i) within 15 feet of each room used for sleeping purposes, and
 - ii) at least one detector on each story or level of the facility, including basements but not including unoccupied attics, and
 - iii) at the uppermost ceiling of each interior stairwell, except in fire resistive structures (NFPA 220 (1979) type I and type II (222) Construction types).
 - iv) one detector at the beginning and one detector at the end of each corridor 200 or more feet in length in any story occupied or used by the Child Care Facilities and programs, including basements.
- B) A telephone which is available, without the use of coins or unlocking devices, to call the fire department, or emergency force notification in accordance with NFPA 101 (1985) section 7-6.4.
- e) Table 11-7.1.6.1 is modified to eliminate the requirement for automatic sprinkler systems in one and two story day care centers based solely upon the construction type.
- f) Child Care Facilities and programs existing on August 1, 1988 four feet or less below grade (or these considered four feet or less below grade) shall not be considered as a story below the level of exit discharge in applying Section 11-7.1.6.2. of NFPA 101 (1985). Also see Section 11-7.2.4.2.

(Source: Added at _____ Ill. Reg. _____, effective _____).

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: General Procedures2) Code Citation: 80 Ill. Adm. Code 11003) Section Numbers: Proposed Action:

1100.10	Amended
1100.20	Amended
1100.30	Amended
1100.40	Amended
1100.50	Amended
1100.70	Amended
1100.80	Amended
1100.90	New Section
1100.100	New Section

4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, pars. 1701 et. seq.

5) A Complete Description of the Subjects and Issues Involved:

The proposed rules modify the existing general procedures for the Illinois Educational Labor Relations Board. Amendments are made to the definitions, filing and service of documents, computation and extensions of time, hearing officers, recording of hearings, subpoenas, limitation on practice before the Board by former employees. New sections are added governing amicus curiae and gender usage.

6) Will this proposed rule replace an emergency rule currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed rule contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives:

To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of general procedures.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comment, data, views or arguments concerning the proposed rulemaking. All comments must

be in writing and should be addressed to David A. Youngerman, Chief Hearing Officer, Illinois Educational Labor Relations Board, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606. The Illinois Educational Labor Relations Board will consider all written comments it receives within 45 days of the publication of this Notice.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small business.

The full text of the Proposed Amendments begin on the next page.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE C: LABOR RELATIONS

CHAPTER III: ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

PART 1100

GENERAL PROCEDURES

Section

1100.10

Definitions

1100.20

Filing and Service of Documents

1100.30

Computation and Extensions of Time

1100.40

Hearing Officers

1100.50

Recording of Hearings

1100.70

Subpoenas

1100.60

Representation of Parties

1100.80

Limitation on Practice Before the Board by Former

Employees

1100.90

Amicus Curiae

1100.100

Gender Usage

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, pars. 1071 et. seq.)

SOURCE: Emergency rules adopted at 8 Ill. Reg. 8638, effective June 6, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 22548, effective November 5, 1984; amended at 13 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 1100.10 Definitions

a)

The term "Act" shall mean the "Illinois Educational Labor Relations Act."

b)

These rules incorporate the definitions contained in Section 2 of the *Illinois Educational Labor Relations Act*.

c)

The term "incumbent employee organization" or "incumbent exclusive representative" shall mean the existing exclusive representative of the employees in the bargaining unit.

d)

The term "charging party" shall mean the person who files an unfair labor practice charge.

e)

The term "respondent" shall mean the party named in an unfair labor practice charge or complaint as having allegedly committed the unfair labor practice.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

f) The term "scheduled start of the forthcoming school year" shall mean the first date scheduled for student attendance for that year.

g) The term "professional instructional personnel" shall mean, in the case of a public school district, any employee whose position requires a certificate issued Article 21 of Section 34-83 of The School Code, (Ill. Rev. Stat., 1987 ch. 122, par. 21.)

h) The term "professional instructional personnel" shall mean, in the case of an employer other than a public school district, any employee whose position includes or could include the provision of academic instruction to students.

i) The term "legal holiday" shall mean a holiday as defined or fixed in any statute now or hereafter in force in this State.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1100.20 Filing and Service of Documents

a) All documents relating to any proceeding before the Illinois Educational Labor Relations Board (the Board) shall be filed in either the Board's Springfield or Chicago office. The original and seven ~~xxx~~ copies of each document shall be filed in all proceedings before the members of the Board; the original and three copies of each document shall be filed in any proceeding before a Hearing Officer. Except as otherwise specified in the rules of the Board, documents shall be considered filed with the Board on the date they are received by the Board or on the date they are postmarked if sent by registered or certified mail. Documents sent by any means other than registered or certified mail shall be considered filed on the date they are received by the Board, except that documents shall be considered filed on the date they are tendered to an overnight delivery service, if that service provides a receipt showing the date on which the documents were tendered for delivery.

b) Whenever these rules require that a document be on a form developed by the Board, the document may be prepared on a form obtained from the Board or on a facsimile thereof. Minor deviations in the form of a document shall not be grounds for objecting to the document. Minor deviations are those deviations that involve form but not substance and thus do not prejudice any other party to the case.

c) The Board will serve petitions, intervening claims and unfair labor practice charges ~~and subpoenas, shall be served~~ on the appropriate parties by either personal service, registered or certified mail, or by leaving a copy at the principal office or place of business of the person required to be served.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

d) All documents, except those listed in subsection (c) above, will ~~not~~ be served on the appropriate parties by the party propounding the document, either by the methods listed in subsection (c), or by first class mail, or overnight delivery service. When a party is represented in a proceeding before the Board, service shall be on the party's representative. When a party is not represented, service shall be on the party. Subpoenas will be served by the party requesting the subpoena, but in the manner provided in subsection (c) above.

e) Whenever a document is filed with the Board, it shall be accompanied by a certificate of service. A certificate of service shall consist of a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.

f) Failure of a party to serve a document or failure to attach a certificate of service may be grounds to strike the document. However, unless otherwise specifically stated, failure to serve a document on a party shall not be cause for dismissal of an unfair labor practice charge or complaint or a representation petition.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1100.30 Computations and Extensions of Time

a) In computing any period of time prescribed by the Act or ~~the Act or~~ this Part, except for objections to an election, the day of the act, event or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included. If the last day of the period so computed falls on a Saturday, Sunday or legal holiday, the time period shall be automatically extended to the next day that is not a Saturday, Sunday or legal holiday.

b) When a time period prescribed under the Act or ~~the Act or~~ this Part is less than seven days, intervening Saturdays, Sundays or legal holidays shall not be included.

c) Whenever a time period begins running upon the service of notice or other document upon a party, and service is effected by first-class mail, three days shall be added to the prescribed period. When service is effected by certified mail, three days shall be added to the prescribed period from the date of receipt by the party who has been served. However, three days shall not be added if any extension of time has been granted.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

d) In all proceedings before the Board, extensions of time will be granted only upon timely written motion ~~submitted~~ to the Board General Counsel, if the matter is before the members of the Board, or the presiding hearing officer if the matter is before a hearing officer, and only upon a specific showing that compliance with the deadline would be unduly burdensome for the party seeking the extension, and the extension will not unduly delay the proceeding.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1100.40 Hearing Officers

Whenever the Board appoints a hearing officer to preside over a matter, the hearing officer shall have the authority to do any or all of the following:

- a) dispose of procedural requests, motions or similar matters;
- b) continue or adjourn a hearing to a later date;
- c) ~~swear~~ ~~administer~~ ~~oaths and affirmations~~ ~~to~~ ~~subpoena witnesses~~, administer oaths and affirmations, examine witnesses, receive relevant testimony and evidence, rule upon offers of proof and introduce into the record relevant evidence;

d) take official notice of generally recognized facts; and

e) generally regulate the course of a hearing.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1100.50 Recording of Hearings

Whenever a hearing is held under the Act or these rules it shall be recorded by stenographic or other ~~appropriate~~ means which adequately preserves the record. The parties, the hearing officer or the Board may order that the recording be transcribed. Parties shall bear the costs of any transcripts that they order.

(Source: Amended at 111. Reg. ____, effective ____)

Section 1100.70 Subpoenas

a) Subpoenas, including subpoenas duces tecum, shall be issued by the Board upon written application of a party to the General Counsel. The application shall contain the name and address of the party and its representative, and the name of the person to be subpoenaed, and where applicable, a description of any documents to be produced.

ILLINOIS EDUCATIONAL LABOR RELATIONS BOARD

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: Hearing Procedures

2) Code Citation: 80 Ill. Adm. Code 1105

3) Section Numbers:	Proposed Action:
1105.10	Amended
1105.20	Amended
1105.30	Amended
1105.40	Amended
1105.50	Amended
1105.80	Amended
1105.100	Amended
1105.110	Amended
1105.120	Amended
1105.130	Repealed
1105.140	Amended
1105.150	Amended
1105.160	Amended
1105.170	Amended
1105.220	Amended

4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, pars. 1701 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The proposed rules modify the existing procedures in non-adversarial proceedings. Amendments are made to the general statement of purpose, setting of representation hearing, authority of hearing officer, rights of parties, conduct of hearing, and decisions and exceptions. The proposed rules also modify the existing procedure for contested cases. Amendments are made to setting of contested case hearings, parties, authority of hearing officer, requests for documents, pre-hearing memorandum, rights of the parties, order of hearing, conduct of hearing and decisions and exceptions. The provisions for requests for documents are repealed.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

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10) Statement of Statewide Policy Objectives:

To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of non-adversarial proceedings and contested cases.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comment, data, views or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to David A. Youngerman, Chief Hearing Officer, Illinois Educational Labor Relations Board, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606. The Illinois Educational Labor Relations Board will consider all written comments it receives within 45 days of the publication of this Notice.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small business.

The full text of the Proposed Rule begins on the next page.

PART 1105
HEARING PROCEDURES

SUBPART A: NON-ADVERSARIAL PROCEEDINGS

Section
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General Statement of Purpose
Setting of Representation Hearing
Authority of Hearing Officer
Rights of Parties
Conduct of Hearing
Admissible Evidence
Official Notice
Decisions and Exceptions

SUBPART B: CONTESTED CASES

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General Statement of Purpose
Setting of Contested Case Hearing
Parties
Authority of Hearing Officer
Requests for Documents (Repealed)
Pre-Hearing Memorandum
Rights of Parties
Order of Hearing
Conduct of Hearing
Confidentiality
Admissible Evidence
Official Notice
Examination of Hostile Party or Adverse Witness
Decisions and Exceptions

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, pars. 1071 et. seq.)

SOURCE: Adopted at 9 Ill. Reg. 9491, effective June 11, 1985; amended at 13 Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 1105.10 General Statement of Purpose

The rules in this Subpart detail the procedures that will be followed in hearings that deal with issues related to the holding of an election, challenged ballots, amendment of certification or unit clarification, pursuant to Section 7 of the Illinois Educational Labor Relations Act, (800/1/10 Ill. Rev. Stat. 1987, ch. 48, par. 1701, et seq.) ("the Act"), and 80 Ill. Adm. Code 1110.100 of the Illinois Educational Labor Relations Board.

(Source: Amended at 13 Ill. Reg. ____, effective ____.)

Section 1105.20 Setting of Representation Hearing

a) Where a representation petition has been filed and the Illinois Educational Labor Relations Board (the Board) has determined that the petition is supported by an adequate showing of interest and there is reasonable cause to believe that a question of representation exists pursuant to Section 7 of the Act 1110.100 a hearing shall be scheduled on any unresolved issues relating to the holding of an election. These issues include (but are not limited to) the scope of the bargaining unit, the exclusion of confidential, supervisory or managerial employees as defined in the Act, or the existence of a contract bar or an election bar. Where the parties to a representation petition are able to agree to the holding of an election and enter into a consent agreement pursuant to 80 Ill. Adm. Code 1110.110, no hearing will be held.

b) Where a petition to clarify an existing bargaining unit is filed pursuant to 80 Ill. Adm. Code 1110.160 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing.

c) Where a petition to amend certification is filed pursuant to 80 Ill. Adm. Code 1110.170 and it presents unresolved issues of material fact, it shall be set for hearing. When the petition does not present unresolved issues of material fact, the Executive Director will rule on the petition without a hearing.

d) Whenever a challenged ballot is determinative of the results of an election, a hearing shall be set when the challenge presents unresolved questions of material fact. Issues shall include (but are not limited to) whether the challenged ballot shall be counted in the final tally of the election. When the challenge does not present unresolved questions of material fact, the Executive Director will rule on the challenge without a hearing.

e) When such a hearing is necessary to resolve issues relating to the holding of an election, challenged ballots, amendment of certification or unit clarification, the Board/Board/Executive Director shall appoint a hearing officer and shall give at least seven days' notice to the parties. That notice shall include:

- 1) The name of the hearing officer;
- 2) The nature, location, date and time of the hearing;

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3) A statement of the legal authority and jurisdiction under which the hearing is to be held; and

4) A reference to the particular section of the Act and the rules of the Board involved.

f) Motions to intervene or participate in the hearing, motions for continuances, and motions to revoke or quash subpoenas shall be directed to the Hearing Officer, or, in the event that a Hearing Officer has not been named, to the Executive Director ~~of the Board~~. All such motions or requests must be in writing, must state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Hearing Officer or Executive Director ~~of the Board~~.

g) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.

2) Other parties shall have ~~five~~ seven days to file a response and serve that response on all other parties simultaneously with the filing.

3) The parties must seek leave of the Hearing Officer to file any additional briefs. The Hearing Officer ~~will~~ may allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.

h) Motions for continuances will be granted only for good cause shown, such as the unavoidable absence ~~of a party~~ of a person essential to the hearing, and only when the continuance will not unduly delay the hearings ~~of the Board~~. ~~The moving party shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the moving party has discussed the motion with all other parties and whether any other party opposes the motion. If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state in the affidavit that he or she has unsuccessfully attempted to change the conflicting date of the hearing. If the unavailable person is a witness, the moving party shall state specifically in the affidavit why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.~~

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(Source: Amended at 13 Ill. Reg. ___, effective ___)

Section 1105.30 Authority of Hearing Officer

The hearing officer shall have the duty to conduct a fair hearing, to ensure development of a clear and complete record, to take all necessary action to avoid delay, and to maintain order. The hearing officer shall have all powers necessary to these ends including (but not limited to) the authority to:

a) Require submission of exhibits before the hearing;

b) Require all parties to state in writing their positions with respect to issues, and to submit pre-hearing information, including a list of all exhibits to be offered by each party in their case in chief and a copy of each such exhibit, stipulations as to the authenticity and business record status of each such exhibit, a list of witnesses for the party's case in chief and the estimated time proposed for the party's case in chief.

c) Administer oaths and affirmations or direct the administration of oaths and affirmations by the court reporter transcribing the hearing;

d) Examine witnesses, direct witnesses to testify, call or subpoena witnesses not offered by the parties, and examine such witnesses;

e) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;

f) Regulate the ~~conduct of the parties and their counsel, including (but not limited to) determining the order in which the parties shall present evidence after considering the parties' relative access to relevant evidence;~~

g) Enter, on his own motion or motion of a party, such orders as are just when a party fails to comply with any order entered under the Rules;

h) Establish reasonable limits on the frequency and duration of the testimony of any witness and limit repetitious or cumulative testimony;

i) Establish reasonable time limits and guidelines for opening or closing statements based upon the number and complexity of the issues;

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- 1) Establish deadlines and limitations for the filing of post-hearing briefs, including (but not limited to) requiring ~~the~~ parties each party to elect between offering closing arguments or submitting post-hearing briefs ~~simultaneously~~ on a date set by the hearing officer; and

- 2) Issue decisions pursuant to Section 1105.80 of this Subpart.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1105.40 Rights of Parties

- a) All parties to a representation hearing shall have the following rights:

- 1) To appear on their own behalf or to be represented by counsel, or to be represented by persons experienced and knowledgeable in the matters under consideration;
- 2) To offer evidence through the testimony of witnesses or through exhibits;
- 3) To request subpoenas in order to subpoena witnesses or documents for the hearing;
- 4) To question witnesses offered by other parties;
- 5) To object to testimony or exhibits offered by other parties; and
- 6) To make opening statements and to make either closing statements or submit post-hearing briefs ~~simultaneously~~, subject to any limitation established by the hearing officer pursuant to Section 1105.30 of this Subpart.

- b) Misnomer of a party shall not be grounds for dismissal; the name of any party may be corrected at any time while the case is pending.
- c) All representation and decertification petitions may be amended at any time to conform with the evidence presented in the hearing.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1105.50 Conduct of Hearing

- a) All hearings under this Subpart shall be public.
- b) All witnesses shall be sworn.

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- c) All testimony shall be recorded stenographically, or by other means which adequately preserve the record. The parties shall be responsible for obtaining their own copies of the transcript from the reporter. In the event that a party wishes to correct a transcription error in the transcript, the party shall notify the Hearing Officer in writing within seven days of receipt of the transcript and shall simultaneously serve a copy of that notification upon all other parties.

- d) A party tendering an exhibit for identification or admission into evidence shall be responsible for providing the original and three copies of the exhibit to the Hearing Officer and one copy to each ~~any~~ other ~~party's~~ party at the time that the exhibit is tendered.

- e) The hearing record in all contested cases shall include:

- 1) All petitions (excluding showing of interest submitted pursuant to 80 Ill. Adm. Code 1110), motions, briefs, exceptions, and rulings; or decisions by the Hearing Officer;
- 2) All evidence received by the Hearing Officer;
- 3) A statement of all matters of which official notice has been taken;
- 4) Offers of proof, objections and rulings thereon;
- 5) Proposed findings of fact and conclusions of law; and
- 6) Any ex parte communications prohibited by Section 15 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat., 1987, ch. 127, par. 1015).

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1105.80 Decisions and Exceptions

- a) The Hearing Officer shall issue a decision and give reasons for that decision in writing ~~pursuant to 1105.80 of the ILRLA / 1105.80 of the ILRLA / 1105.80 of the ILRLA~~ 1105.80 of the ILRLA. Any findings of fact in this decision must be based exclusively upon the evidence in the record and on matters of which official notice has been taken.

- b) The parties may file exceptions to the Hearing Officer's recommended decisions and briefs in support of those exceptions no later than ~~seven~~ fourteen days after receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law

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to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have ~~seven~~ fourteen days from receipt of the exceptions and supporting brief to file a response with the General Counsel. Parties shall file the original and seven copies of their exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, briefs and the recommended decision.

c) The Board shall review the Hearing Officer's decision and any exceptions pursuant to 80 Ill. Adm. Code 110.100(j) and will issue and serve upon all parties a written decision giving the Board's reasons for its determination. This decision is a final decision for purposes of the Administrative Review Law (Ill. Rev. Stat. 1987, ch. 110, pars. 3-101 et seq.). AN ORDER OF THE BOARD DISMISSING A REPRESENTATION PETITION, DETERMINING AND CERTIFYING THAT A LABOR ORGANIZATION HAS BEEN FAIRLY AND FREELY CHOSEN BY A MAJORITY OF EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT, DETERMINING AND CERTIFYING THAT A LABOR ORGANIZATION HAS NOT BEEN FAIRLY AND FREELY CHOSEN BY A MAJORITY OF EMPLOYEES IN THE BARGAINING UNIT OR CERTIFYING A LABOR ORGANIZATION AS THE EXCLUSIVE REPRESENTATIVE OF EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT BECAUSE OF A DETERMINATION BY THE BOARD THAT THE LABOR ORGANIZATION IS THE HISTORICAL BARGAINING REPRESENTATIVE OF EMPLOYEES IN THE BARGAINING UNIT, IS A FINAL ORDER. (Section 7(d) of the Act) A party may file a motion requesting the Board to reconsider its decision, by filing that motion and a supporting brief within seven days of receipt of the Board's decision. The Board will only grant a motion to reconsider where, in the judgment of the Board, extraordinary circumstances to do so exist. The extraordinary circumstances include, but are not limited to, the following: the offer of newly discovered or previously unavailable evidence accompanied by a statement of why such evidence was not available at an earlier date; the existence of fraud; the discovery of new matters or issues which, for reasons outside the control of the party seeking reconsideration were not previously reviewed; and instances of procedural infirmities or an objectively demonstrable error of fact or law made by the Board. In each instance, the party seeking reconsideration must establish that the extraordinary circumstances relied upon materially or substantially affect the decision of the Board. A decision of the Board will be a final order even though a motion for reconsideration has not been filed.

d) If no exceptions have been filed within ~~seven~~ fourteen days after the parties' receipt of the Hearing Officer's decision, the parties will be deemed to have waived their exceptions.

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e) In cases removed to the Board pursuant to 80 Ill. Adm. Code 110.100(e) of the Rules of the Board, the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This decision and order shall include the Board's reasons for its decision.

(Source: Amended at 13 Ill. Reg. ___, effective ____)

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SUBPART B: CONTESTED CASES

Section 1105.100 Setting of Contested Case Hearing

a) Where the Executive Director has issued a complaint on an unfair labor practice charge pursuant to Section 15 of the Act and 80 Ill. Adm. Code 1120.30 or a finding of probable cause with respect to an election objection pursuant to Section 8 of the Act and 80 Ill. Adm. Code 1110.1150, a hearing shall be scheduled. Unfair labor practice charges and election objections having a common nucleus of operative facts shall be consolidated for purposes of hearing.

b) Complaints will issue or probable cause will be found when the investigation has disclosed adequate credible statements, facts or documents which, if substantiated, and not rebutted in a hearing, would constitute sufficient evidence to support a finding of a violation of the Act. Issuance of a complaint or finding of probable cause that objectionable conduct occurred by the Executive Director is not a decision that an unfair labor practice or objectionable conduct has in fact occurred.

c) When such a hearing is necessary, the ~~Director~~ Secretary shall appoint a Hearing Officer. When the Executive Director issues a Complaint and Notice of Hearing, the parties shall be given ~~and shall give~~ at least seven days' notice of the hearing ~~to the parties~~. That notice and the complaint or finding of probable cause shall include:

- 1) the name of the Hearing Officer;
- 2) the location, date, and time of the hearing;
- 3) the date upon which the parties shall submit pre-hearing materials as required by Section 1105.120 of this Subpart;
- 4) a statement of the legal authority and jurisdiction under which the hearing is to be held;
- 5) a reference to the particular section of the Act and the rules of the Board involved; and
- 6) a brief statement of the nature of the matters at issue.

d) Motions to Reconsider or Withdrawal of the Hearing Officer's and/or the Hearing Officer's Decision shall be directed to the Hearing Officer, or, in the event that a Hearing Officer has not been named, to the Deputy Executive Director. All such motions or requests must be in writing, must

state with specificity the reasons or grounds for the motion, and must be served on all parties simultaneously with their filing with the Hearing Officer or ~~General Counsel~~ Executive Director. Motions that would preclude a hearing, such as a motion to dismiss or to defer, must be filed with the Answer to be timely filed.

e) Unless otherwise provided in the rules of the Board governing specific types of proceedings, the briefing schedule for all motions shall be as follows:

- 1) Any supporting brief by the moving party shall be filed and served on all other parties simultaneously with the motion.
- 2) Other parties shall have ~~five~~ seven days to file a response and serve that response on all other parties simultaneously with the filing.
- 3) The parties must seek leave of the Hearing Officer to file any additional briefs. The Hearing Officer will allow the filing of additional briefs upon demonstration that material issues which could not have been anticipated have been raised.

f) Motions for continuances will be granted only for good cause shown, such as the unavoidable absence of a person essential to the hearing, and only when the continuance will not unduly delay the hearing. The moving party shall state specifically in the motion the reasons that a continuance is being sought and shall state whether the moving party has discussed the motion with all other parties and whether any other party opposes. If the moving party has based the motion on the existence of a conflicting commitment, the moving party must state that he or she has unsuccessfully attempted to change the conflicting date. If the unavailable person is a witness, the moving party shall state specifically why the evidence or testimony sought to be introduced through that witness cannot be introduced through another witness or other witnesses.

- g) The Executive Director may amend the complaint prior to the hearing. The parties shall receive reasonable notice of the amendment, and the Respondent shall have the opportunity to file an answer to any new allegation.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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(Source: Repealed at 13 Ill. Reg. ____, effective ____)

Section 1105.140 Pre-Hearing Memorandum

- a) The parties shall file a written pre-hearing memorandum with the Hearing Officer not less than seven days before the hearing. The pre-hearing memorandum, which shall be signed by all parties or their representatives, shall include:

1) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

2) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

3) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

4) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

5) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

6) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

7) A list of all exhibits to be offered by each party, and a statement that the parties have exchanged these exhibits;

- b) The parties may submit a joint statement of the uncontested material facts, and individual or joint statements of the contested material facts or contested issues of law with the required portions of the pre-hearing memorandum.

c) The complainant shall have the responsibility for preparing the first draft of the pre-hearing memorandum.

d) The Hearing Officer, on his or her own motion, may waive the filing of the pre-hearing memorandum in whole or in part when he or she finds that such waiver is needed to avoid unnecessary delay of the hearing or an undue burden to a party.

e) Failure by a party to disclose an exhibit or the identity of a witness shall be grounds for a motion by an opposing party for exclusion of that exhibit or witness where offered in a party's

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case-in-chief. Such motions shall be granted only upon a showing that the moving party was surprised and placed at a disadvantage by the failure to disclose in the pre-trial memorandum. Exhibits and witnesses not listed in the pre-hearing memorandum can be presented for rebuttal or impeachment purposes.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1105.150 Rights of Parties

All parties to a contested case hearing shall have the following rights:

- To appear on their own behalf or to be represented by counsel or to be represented by persons experienced and knowledgeable in the matters under consideration;
- To offer evidence through the testimony of witnesses or through exhibits;
- To request subpoenas in order to subpoena witnesses or documents for the hearing;
- To question witnesses offered by other parties;
- To object to testimony or exhibits offered by other parties; and
- To make opening statements and to make either closing statements or submit post-hearing briefs subject to any limitation established by the Hearing Officer pursuant to Section 1105.100 of this Subpart.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1105.160 Order of Hearing

- a) The following shall be order of all contested case hearings, subject to modification by the Hearing Officer for good cause:

- Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;
- Presentation of opening statements;

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- 3) Complainant's case-in-chief;
 - 4) Respondent's case-in-chief;
 - 5) Complainant's case-in-rebuttal;
 - 6) Complainant's closing argument, which may include legal argument;
 - 7) Respondent's closing argument, which may include legal argument;
 - 8) Complainant's rebuttal argument, which may include legal argument;
 - 9) Presentation and argument of motions regarding removal of the case to the Board pursuant to 80 Ill. Adm. Code 1120.40, where applicable; and
 - 10) A schedule of submission of briefs to the Hearing Officer or Board pursuant to 80 Ill. Adm. Code 1120.40.
- b) The order of the contested case hearing will be modified by the Hearing Officer for good cause shown, such as upon motion of a party demonstrating that such modification is necessary because of the unavailability of a necessary witness or an attorney and that the moving party has not caused or contributed to such unavailability.
- c) The respondent may, at the close of complainant's case, move for judgment in favor of the respondent. If the ruling on the motion is favorable to the respondent, an order dismissing the action shall be entered. If the ruling on the motion is adverse to the respondent, the respondent may proceed to adduce evidence in support of the respondent's defense.
- d) The hearing record in all contested cases shall include:
- 1) All pleadings (including all notices and responses thereto), motions, briefs, exceptions, and rulings; or decisions by the Hearing Officer;
 - 2) All evidence received by the Hearing Officer;
 - 3) A statement of all matters of which official notice has been taken;
 - 4) Offers of proof, objections and rulings thereon;

- 5) Proposed findings of fact and conclusions of law; and

6) Any ~~ex parte~~ communications prohibited by Section 15 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat., 1987, ch. 127, par. 1015).

7) Any ~~ex parte~~ communications prohibited by Section 15 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat., 1987, ch. 127, par. 1015).

- 8) Any ~~ex parte~~ communications prohibited by Section 15 of the Illinois Administrative Procedure Act, (Ill. Rev. Stat., 1987, ch. 127, par. 1015).

- d) Any findings of fact in decisions issued by the Hearing Officer or Board shall be based exclusively on the evidence in the Record and on matters of which official notice has been taken.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1105.170 Conduct of Hearing

- a) All hearings under this Subpart shall be public.

- b) All witnesses shall be sworn.

- c) All testimony shall be recorded stenographically or by other means which adequately preserve the record. The parties shall be responsible for obtaining their own copies of the transcript from the reporter. In the event that a party wishes to correct a transcription error in the transcript, the party shall notify the Hearing Officer in writing within seven days of receipt of the transcript and shall simultaneously serve a copy of that notification upon all other parties.

- d) A party tendering an exhibit for identification or admission into evidence shall be responsible for providing the original and three copies of the exhibit to the Hearing Officer and ~~all~~ one copy to each other ~~party~~ party at the time that the exhibit is tendered.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 1105.220 Decision and Exceptions

- a) Pursuant to the ~~Ill. Rev. Stat., 1987, ch. 127, par. 1015~~ procedures established in 80 Ill. Adm. Code 1120.40, the Hearing Officer shall issue a recommended decision and give reasons for that decision or shall remove the case to the Board.

- b) In cases in which the Hearing Officer issues a recommended decision, the parties may file exceptions to the Hearing Officer's recommended decision and briefs in support of those exceptions no later than

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~~fifteen~~ twenty-one days after the receipt of the receipt of the recommended decision. Those exceptions and briefs shall be filed with the General Counsel. Exceptions shall specify each finding of fact and conclusion of law to which exception is taken. Copies of all exceptions and supporting briefs shall be served upon all other parties and a certificate of service shall be attached. The other parties shall have ~~fifteen~~ twenty-one days from receipt of the exceptions and supporting brief to file a response with the General Counsel. Parties shall file the original and seven copies of their exceptions and supporting brief or response with the General Counsel. The General Counsel shall provide the Board with copies of the exceptions, briefs and the recommended decision.

c) The Board shall review the Hearing Officer's decision and any exceptions pursuant to 80 Ill. Adm. Code 1120.50(b) and shall issue and serve upon all parties its decision and order. This written decision and order shall include the Board's reasons for its decision. This decision is a final decision for the purposes of the Administrative Review Law (Ill. Rev. Stat. 1987~~8~~, ch. 110, pars. 3-101 et seq.). A party may file a motion requesting the Board to reconsider its decision, by filing that motion and a supporting brief within seven days after receipt of the Board's decision. The Board will only grant a motion to reconsider where, in the judgment of the Board, extraordinary circumstances to do so exist. These extraordinary circumstances include, but are not limited to, the following: the offer of newly discovered or previously unavailable evidence accompanied by a statement of why such evidence was not available at an earlier date; the existence of fraud; the discovery of new matters or issues which, for reasons outside the control of the party seeking reconsideration were not previously reviewed; and instances of procedural infirmities or an objectively demonstrable error of fact or law made by the Board. In each instance, the party seeking reconsideration must establish that the extraordinary circumstances relied upon materially or substantially affect the decision of the Board. A decision of the Board will be a final order even though a motion for reconsideration has not been filed.

d) If no exceptions have been filed within ~~fifteen~~ twenty-one days after the parties' receipt of the Hearing Officer's recommended decision, the parties will be deemed to have waived their exceptions.

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e) In cases removed to the Board pursuant to 80 Ill. Adm. Code 1120.40(f), the Board shall review the record and briefs submitted by the parties and shall issue and serve upon all parties a written decision and order. This written decision and order shall include the Board's reasons for its decision.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

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1) The Heading of the Part: Representation Procedures2) Code Citation: 80 Ill. Adm. Code 11103) Section Numbers:Proposed Action:

1110.40	Amended
1110.50	Amended
1110.60	Amended
1110.70	Repealed; new Section adopted
1110.80	Amended
1110.90	Amended
1110.100	Amended
1110.110	Amended
1110.140	Amended
1110.150	Amended
1110.160	Amended
1110.170	Amended
1110.180	New Section

4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, pars. 1701 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The proposed rules modify the existing representation procedures. Amendments are made to voluntary recognition procedures, representation petitions, decertification petitions, timeliness of petitions, showing of interest, posting of notice, processing of petitions, consent elections, conduct of the election, objections to the election, petitions for amendment or clarification of the bargaining unit and petitions to amend certification. In addition, a new section is added for petitions for self-determination.

6) Will this proposed rule replace an emergency rule currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? No.8) Does this proposed rule contain incorporations by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives:

To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of representation procedures.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comment, data, views or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to David A. Youngerman, Chief Hearing Officer, Illinois Educational Labor Relations Board, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606. The Illinois Educational Labor Relations Board will consider all written comments it receives within 45 days of the publication of this Notice.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small business.

The full text of the Proposed Rules begins on the next page.

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NOTICE OF PROPOSED AMENDMENTS

PART 1110
REPRESENTATION PROCEDURES

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AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, pars. 1071 et. seq.)

SOURCE: Emergency rules adopted at 8 Ill. Reg. 4526, effective March 26, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16300, effective August 27, 1984; amended at 13 Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language

Section 1110.40 Voluntary Recognition Procedures

- a) Voluntary recognition procedures may not be used under the following circumstances:
- 1) whenever an employee organization has lawfully attained representation rights as the exclusive representative of the employees in the bargaining unit;
 - 2) whenever there has been a valid representation election within the preceding twelve months;
 - 3) whenever the proposed bargaining unit would include both professional and nonprofessional employees.

- b) Whenever ~~an~~ ~~employee~~ a party intends to use the voluntary recognition procedures, the ~~employee~~ party shall notify the Board of its intent. The notification shall be on a form developed by the Board and shall include:
- 1) the name and address of the employer;
 - 2) the name, address and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the reasons why the employer believes that the employee organization appears to represent a majority of the employees;
 - 6) the date on which the employer posted or intends to post the voluntary recognition notice; and
 - 7) a copy of the voluntary recognition notice that has been or will be posted.
- c) The employer must post the voluntary recognition notice on the date specified in the notification filed with the Board on bulletin boards and other places where notices for employees in the bargaining unit are customarily placed. The notice must be on a form developed by the Board and must contain the following:
- 1) a statement that, subject to Board certification, the employer intends to recognize the employee organization if no competing claims of representation are filed with the Board;
 - 2) the name and affiliation, if any, of the employee organization to be recognized;
 - 3) a description of the proposed bargaining unit;
 - 4) the date of posting; and
 - 5) the date by which a competing claim of representation must be filed with the Board, which is the date that posting period is scheduled to terminate.
- d) The notice shall remain posted for a period of at least 20 school days. For purposes of computing the 20-day period, a school day shall not include weekends, days on which holidays are recognized,

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or any day on which a significant portion of the regularly scheduled work force in the bargaining unit is not scheduled to work. The employer shall attempt to insure that the notice is not removed or defaced and shall replace any notice which is removed or defaced.

- e) During the posting period, any competing employee organization may file a petition with the Board. Prior to, or simultaneously with, its filing with the Board, the petition shall also be served on the employer and the employee organization that was to have been voluntarily recognized. The petition shall be on a form developed by the Board and shall contain:

- 1) the name, address and affiliation, if any, of the employee organization;
- 2) the names of the employer and employee organization that the employer intends to voluntarily recognize;
- 3) a description of the proposed bargaining unit;
- 4) the date the voluntary recognition notice was posted; and
- 5) the date the posting period is scheduled to terminate.

- f) A competing employee organization's petition must be supported by a showing of interest by AT LEAST 15 PERCENT OF THE EMPLOYEES IN AN APPROPRIATE BARGAINING UNIT WHICH INCLUDES ALL OR SOME OF THE EMPLOYEES IN THE UNIT INTENDED TO BE RECOGNIZED. (Section 7(b) of the Act).

- g) Upon the filing of a competing employee organization's petition, the Board shall treat the notification of intent to use the voluntary recognition proceedings as a representation proceeding. The Board shall proceed in accordance with Section 7(c) of the Act and Sections 1110.90 - 1110.150 of this Part.

- h) If no competing employee organization petitions have been filed with the Board by the termination of the posting period, the employer shall file with the Board a request for voluntary recognition certification. The request shall be on a form developed by the Board. The request shall be signed and shall contain the following:

- 1) the name and address of the employer;
- 2) the name, address, and affiliation, if any, of the employee organization;
- 3) a description of the proposed bargaining units;

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- 4) the number of employees in the proposed bargaining unit;
- 5) the dates and locations of the posting of the voluntary recognition notice;
- 6) a statement that the notice was not removed or defaced during the posting period; and
- 7) a statement describing why the employer is satisfied that the employee organization represents the majority of the employees in the bargaining unit.

- i) The petition must be supported by objective evidence that a majority of the employees in the bargaining unit wish to be represented by the employee organization.

- 1) If authorization cards are offered as evidence, those cards that would not qualify as evidence in support of a representation petition, pursuant to Section 1110.80(c) and (d) of this Part, will not be considered sufficient evidence of majority status.

- 2) If employees signing such authorization cards have also signed cards authorizing other employee organizations to represent them, those cards will not be considered sufficient evidence of majority status.

- j) The Board will investigate the voluntary recognition request:

- 1) If the Board concludes that the employee organization represents a majority of the employees in the bargaining unit, and that the petition is otherwise consistent with the Act and this Part, the Board shall certify the employee organization as the exclusive representative of the employees.

- 2) If the Board determines that there is insufficient evidence to support the claim of majority status, or that the petition otherwise contravenes the Act or this Part, the Board shall dismiss the petition without prejudice to the filing of a representation petition by either the employer or the employee organization.

- k) If, at the end of the posting period, the employer is no longer satisfied that the employee organization has demonstrated majority status, the employer shall petition the Board to withdraw the voluntary recognition request. Such withdrawal shall be without prejudice to the filing of a representation petition by either the employer or the employee organization.

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(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1110.50 Representation Petitions

- a) A representation petition may be filed by:
 - 1) an employee, a group of employees, or an employee organization; or
 - 2) an employer ALLEGING THAT ONE OR MORE LABOR ORGANIZATIONS HAVE PRESENTED A CLAIM TO BE RECOGNIZED AS AN EXCLUSIVE BARGAINING REPRESENTATIVE OF A MAJORITY OF THE EMPLOYEES IN AN APPROPRIATE UNIT AND THAT IT DOUBTS THE MAJORITY STATUS OF ANY OF THE ORGANIZATIONS OR THAT IT DOUBTS THE MAJORITY STATUS OF AN EXCLUSIVE REPRESENTATIVE. (Section 7(c)(2) of the Act).
- b) Representation petitions shall be signed by a representative of the petitioning party and shall contain:
 - 1) the name and address of the employer;
 - 2) the name, address, and affiliation, if any, of the employee organization;
 - 3) a description of the proposed bargaining unit which petitioner claims to be appropriate;
 - 4) the approximate number of employees in the proposed bargaining unit;
 - 5) the name of any existing exclusive representative of any employees in the proposed bargaining unit;
 - 6) a brief description of any collective bargaining agreements covering any employees in the proposed bargaining unit, and the expiration dates of the agreements;
 - 7) the date that the employer recognized any existing exclusive representative of any employees in the proposed bargaining unit and the method of recognition;
 - 8) election and/or recognition history prior to January 1, 1984, to the extent known; and
 - 9) in the case of a petition filed by an employer, a statement that one or more employee organizations has demanded recognition and that the employer doubts either their majority

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status or the continued majority status of the existing representative.

- The Board shall serve the representation petition on the appropriate parties.
- 1) Employer petitions shall be served on the employee organizations that demanded recognition, and on the existing exclusive representative, if any.
- 2) Employee and employee organization petitions shall be served on the employer and on the existing exclusive representative, if any.
- Employee and employee organization petitions shall be accompanied by a showing of interest that at least 30 percent of the employees in the petitioned for bargaining unit wish to be represented by the employee organization.
- A petition may seek joint representation by two or more employee organizations if an instrument, such as a joint council has been established to effectuate the joint representation. In such instances, the petition shall describe the instrument.
- An employee organization may withdraw its representation petition as follows:
- 1) If there are no intervenors at any time prior to the direction of an election;
 - 2) If there are no intervenors at any time after the direction of an election, but prior to the election. However, such withdrawal shall bar the employee organization from petitioning for an election in a bargaining unit covering all or part of the petitioned for unit for one year following the withdrawal.
 - 3) If there are intervenors, the employee organization may not withdraw its petition without the consent of all parties. However, the employee organization may file a statement signed by its authorized representative that it no longer wishes to appear on the ballot. The statement shall be filed no later than ten days prior to the election. Upon receipt of such a statement, the Board shall strike the employee organization's name from the ballot.
- Failure to complete the petition by listing all of the information contained in subsection (b) of this Part shall not be grounds for

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dismissal of the petition so long as the petition information is available from any other party. The petition may be revised by the filing party at any time prior to a hearing or agreement to a consent election. Notice of any revision shall be served upon all other parties.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1110.60 Decertification Petitions

- a) A petition to decertify an existing exclusive representative may be filed by an employee or group of employees. The Board shall serve the petition on the exclusive representative and on the employer. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:

- 1) the name and address of the petitioner;
- 2) the name, address and affiliation, if any, of the exclusive representative;
- 3) the name and address of the employer;
- 4) a description of the bargaining unit;
- 5) the approximate number of employees in the bargaining unit;
- 6) the date that the exclusive representative was recognized and the method of recognition, if known; and
- 7) a brief description of any collective bargaining agreements covering any employees in the bargaining unit and the expiration dates of the agreements.

- b) An employer shall not instigate or lend support to a decertification petition. However, an employer may respond to employee inquiries by advising the employees to consult the Board. Allegations that an employer has violated this subsection may be raised in motions to dismiss the decertification petition, objections to the decertification election, or unfair labor practice charges.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1110.70 Timeliness of Petitions and Bars to Elections

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filed between 90 days and 120 days prior to the expiration date of a collective bargaining agreement or the expiration date of a representation and decertification petition may be filed between 90 days and 120 days after the expiration date of the unit year or an agreement or the expiration date of the unit year.

===== A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition or representation election procedures specified in the Act and this Part.

a) Election bar: With respect to any bargaining unit, NO ELECTION MAY BE CONDUCTED IN A BARGAINING UNIT, OR SUBDIVISION THEREOF, IN WHICH A VALID ELECTION HAS BEEN HELD WITHIN THE PRECEDING 12 MONTH PERIOD.

However, representation and decertification petitions filed within the last three months of the 12 month period will be processed, and any resulting election will be held after the 12 month period has elapsed. Representation and decertification petitions filed in the first 9 months of the 12 month period will be dismissed.

b) Certification bar: With respect to any bargaining unit, absent unusual circumstances the Board will dismiss a representation or decertification petition filed within 12 months following the date of Board certification of an exclusive representative for all or some of the employees in the bargaining unit, as a result of voluntary certification or representation election.

c) With respect to bargaining units containing professional instructional personnel, representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining agreements of longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between January 15 and March 1 of the year in which the collective bargaining agreement is due to expire or in the third year of an agreement of more than three years duration. However, no such petition may be filed if it would otherwise be barred by subsections (a) or (b) of this section.

d) With respect to bargaining units not containing professional instructional personnel representation and decertification petitions may not be filed whenever there is in effect a collective bargaining agreement of three years or shorter duration covering all or some of the employees in the bargaining unit. Collective bargaining

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agreements or longer than three years duration shall serve as a bar for the first three years of their existence. In all cases, representation and decertification petitions may be filed between 90 days and 45 days prior to the expiration date of a collective bargaining agreement of three years duration or less, or any time after 90 days prior to the end of the third year of an agreement of more than three years duration.

e) A collective bargaining agreement shall not bar the filing of a representation or decertification petition if the agreement is between an employer and an employee organization recognized by the employer after the effective date of this Part without having used the voluntary recognition or representation election procedures specified in the Act and this Part.

(Source: Section repealed, new section adopted at 13 Ill. Reg. _____, effective _____)

Section 1110.80 Showing of Interest

a) Representation petitions filed by employees, groups of employees and employee organizations, and all decertification petitions must be accompanied by a 30 percent showing of interest.

1) The showing of interest in support of a representation petition shall consist of authorization cards, petitions, or other evidence which demonstrates that at least 30 percent of the employees in the proposed bargaining unit desire to be represented for collective bargaining.

2) The showing of interest in support of a decertification petition shall consist only of cards or petitions clearly stating that the employee does not want the incumbent employee organization to continue serving as exclusive representative.

b) A petition to intervene in an election must be supported by a 15 percent showing of interest when the petition proposes a bargaining unit substantially similar to the originally proposed unit. When the intervenor proposes a bargaining unit substantially different from the originally proposed unit, the petition must be supported by a 30 percent showing of interest. In determining whether the proposed bargaining units are substantially similar, the Board will consider the number and type of employees in each of the proposed units. The proposed units will not be considered substantially similar whenever less than 50 percent of the employees in the originally proposed unit are included in the unit proposed by the intervenor. An incumbent exclusive representative shall

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g) Within seven days after the hearing officer shall obtain a full and complete record by inquiring into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within seven days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within seven days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

h) Within seven days after removal, a party may move the Board to remand the case to the hearing officer, identifying in detail the material factual issues in dispute. If the Board fails to rule on the motion within 14 days, the motion will be deemed denied; the General Counsel will set a briefing schedule. In cases removed to the Board, the Board shall remand the case if, at any time, it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.

i) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision within 21 days after the conclusion of the presentation of evidence, the receipt of the transcript, and the receipt of any post-hearing briefs, unless additional time is required due to the length of the record and the complexity of the issues involved. Such additional time shall not exceed 90 days.

j) Parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions no later than 14 days after receipt of the recommendation. If no exceptions have been filed within the 14-day period, the parties will be deemed to have waived their exceptions.

k) The Board will review the hearing officer's recommendation upon request by a party or on its own motion. The Board shall review the recommendation of the hearing officer within 21 days after receipt of the recommendation. If the Board determines that a question concerning representation exists, as defined in Section 7(c)(1) or (2) of the Act, the Board shall direct that an election be held and a notice of election be posted.

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g) Within seven days following the Board's direction of an election, the employer shall furnish the Board Executive Director with a list of the names and addresses of the employees eligible to vote in the election. The Board Executive Director shall provide copies of the list to the other parties to the election upon request.

h) Where the parties agree to the holding of an election, a stipulation for a consent election shall be filed as follows:

1) The stipulation must be signed by the petitioner, the employer, the employee organization seeking to represent the employees, and any intervenor that has filed a timely petition.

2) The stipulation must specify the bargaining unit; the eligibility date for participation in the election, the date, place and hours of the election; and the number of observers allowed to each party.

All consent elections shall be conducted under the direction and supervision of the Board. Upon receipt of a stipulation for a consent election, the Board shall review the stipulation. If the Board determines that the stipulation is consistent with the Act and this part, the Board shall direct the holding of the consent election.

Within seven days following the Board's approval of the consent election agreement, the employer shall furnish the Board with a list of the names and addresses of the employees eligible to vote in the election. The Board shall provide copies of the list to the other parties to the election proceeding upon request.

(Source: Amended at 13 Ill. Reg. ___, effective ___.)

Section 110.110 Consent Elections

a) Where the parties agree to the holding of an election, a stipulation for a consent election shall be filed as follows:

1) The stipulation must be signed by the petitioner, the employer, the employee organization seeking to represent the employees, and any intervenor that has filed a timely petition.

2) The stipulation must specify the bargaining unit; the eligibility date for participation in the election, the date, place and hours of the election; and the number of observers allowed to each party.

All consent elections shall be conducted under the direction and supervision of the Board. Upon receipt of a stipulation for a consent election, the Board shall review the stipulation. If the Board determines that the stipulation is consistent with the Act and this part, the Board shall direct the holding of the consent election.

Within seven days following the Board's approval of the consent election agreement, the employer shall furnish the Board with a list of the names and addresses of the employees eligible to vote in the election. The Board shall provide copies of the list to the other parties to the election proceeding upon request.

(Source: Amended at 13 Ill. Reg. ___, effective ___.)

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Section 1110.140 Conduct of the Election

- a) The election shall be conducted under the supervision of the Board. Voting shall be by secret ballot.
- b) Any Absentee ballots will be allowed only where an individual submits a written request to the Board no later than ~~four~~ fourteen days prior to the election and demonstrates in that request that he is not able to be physically present at the polling place at the time for which the election is scheduled and therefore would be unable to cast a ballot. The request must set forth the ~~grounds~~ factual basis for the claim. Where inconvenience to the individual shall not be cause for the issuance of an absentee ballot.
- c) Each party shall be entitled to an equal number of observers as determined by the Board or its agent. The number of observers allowed shall be based on the number of polling locations and the number of eligible voters. The identity and conduct of observers are subject to such limitations as the Board or its agent shall prescribe in order to insure that voters are free from interference, coercion, or intimidation.
- d) The Board's agent ~~shall~~ is authorized to prescribe the area in proximity to the polling place in which electioneering shall be prohibited. The specified area shall be based on the size and nature of the specific polling place.
- e) Ballots shall list all employee organizations that properly petitioned or intervened in the election, the incumbent exclusive representative and the choice of "No Representative."
- f) Where an election involves a bargaining unit that includes craft employees, and there has been a proper petition for a separate craft unit, craft employees shall be given two ballots: one to vote for or against craft severance and a second to vote on choice of representative. Noncraft employees shall only be given ballots for voting on choice of representative.
- g) Where an election involves a bargaining unit containing professional and nonprofessional employees, all employees shall be given two ballots: one for indicating whether they desire a combined professional--nonprofessional unit and a second for indicating choice of representative.
- h) Ballot boxes shall be examined in the presence of the observers immediately prior to the opening of the polls and shall be sealed at the opening of the polls. The seal shall allow for one opening on the top of the ballot box for voters to insert their ballots.

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- i) The Board's agent or any authorized observer may question the identity of any voter. A voter whose identity has been questioned may establish his identity by showing a driver's license or any other equally reliable piece of identification. Challenged voters shall be permitted to vote in secret with their ballots set aside by the Board's agent with appropriate markings.
- j) A voter shall mark a cross (X) or check (✓) in the circle or block designating his choice in the election. The intent of the voter shall be followed in the marking of the ballot. If the ballot is defaced, torn, marked in such a manner that it is not understandable, or identifies the voter, the ballot shall be declared void. If the voter inadvertently spoils a ballot, he may return it to the Board's agent, who shall give the voter another ballot and shall preserve the spoiled ballot.
- k) A voter shall fold his ballot so that no part of its face is exposed and, on leaving the voting booth, shall deposit the ballot in the ballot box. If the election is continued for more than one period, the ballot box shall be sealed until the subsequent opening of the polls and shall remain in the custody of the Board's agent until the counting of the ballots.
- l) The Board's agent may privately assist any voter who, due to physical or other disability, is unable to mark his ballot.
- m) Prior to the close of the polls, each party shall designate a representative to observe the tallying of the ballots.
- n) Immediately upon the conclusion of the polling, the votes shall be tallied as follows:
 - 1) The Board's agent shall attempt to achieve a voluntary resolution of all ballot challenges before the ballots are counted.
 - 2) If there was only one polling location, the Board's agent shall tally the votes in the presence of a representative designated by each party and shall serve a written tally on each of the representatives.
 - 3) If there was more than one polling location, the Board's agent shall seal the ballot boxes and bring them to a predetermined central location. When all the ballot boxes have arrived, they shall be opened, the ballots shall be commingled and the votes shall be tallied in the presence of a representative designated by each party. The Board's agent shall serve a written tally on each of the representatives.

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4) The Board's agent shall count the number of challenged ballots separately. If the challenged ballots cannot affect the outcome of the election, the challenges will not be resolved. If the challenged ballots could affect the outcome of the election, the Board's agent shall again attempt to achieve a voluntary resolution of all the challenges.

5) If challenges to ballots have not been resolved, and if the challenges could affect the outcome of the election, the Board will refer the challenged ballots to the Executive Director for investigation.

6) When the election includes a vote on craft severance, the craft employee ballots on craft severance shall be tallied first. If a majority of the craft employees casting valid ballots choose craft severance, the craft and noncraft ballots on choice of representative shall be tallied separately. If a majority of the craft employees casting valid ballots do not choose craft severance, the ballots on choice of representative shall be tallied together.

7) When the election includes a vote on a combined professional--nonprofessional unit, the ballots on unit preference shall be tallied first. Separate tallies shall be made for professional and nonprofessional employees.

8) If a majority of the employees casting valid ballots in each group vote for a combined unit, the ballots on choice of representative shall be tallied together. If a combined unit fails to receive a majority vote in either or both groups, the ballots on choice of representative shall be tallied separately.

o) In all cases, the recipient of a majority of the valid ballots cast by those voting shall prevail.

p) When there are three or more choices on the ballot (two or more employee organizations and "No Representative") and no choice receives a majority, the Board shall conduct a runoff election between the two choices that received the most votes. The results of votes taken during the first election on craft severance and combined professional--nonprofessional units shall be binding on the runoff election.

q) Where there are three or more choices on the ballot, and either of the vote is split equally among all of the choices, or there is a tie for second place, the Board shall declare the election

inconclusive and shall order a new election. The results of the craft severance and combined professional--nonprofessional units votes in the first election shall be binding on the rerun election.

r) The Board shall preserve all ballots until such time as any objections to the election have been resolved and the results have been certified and served on the parties.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1110.150 Objections to Elections

a) Any party to the election may file objections with the Board ALLEGING THAT IMPROPER CONDUCT OCCURRED WHICH AFFECTED THE OUTCOME OF THE ELECTION (Section 8 of the Act).

b) Objections must be received by the Board no later than five working days after the final tally was served on the representatives. For purposes of this rule, a working day is any day on which the Board offices are open for business. Pending challenges to ballots shall not stay the time for filing objections.

c) The objecting party shall furnish evidence to the Executive Director sufficient to provide a prima facie case in support of the objections before any investigation commences.

d) The statement of evidence described above in paragraph c) must also be served on all parties involved in the matter and proof of service must be provided to the Board.

e) The statement of evidence for each objection filed must include the following facts:

- 1) The date on which the alleged improper conduct took place;
- 2) The location at which the alleged misconduct took place;
- 3) The name and job title of the person who allegedly engaged in the improper conduct, and;
- 4) A statement or description of the alleged improper conduct.

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f) Failure to provide the statement described above in Sub-sections (c), (d), and (e) within five working days after filing the objections shall subject the objections to dismissal.

g) THE BOARD SHALL PROMPTLY INVESTIGATE THE ALLEGATIONS, AND IF IT FINDS PROBABLE CAUSE THAT IMPROPER CONDUCT OCCURRED AND COULD HAVE AFFECTED THE OUTCOME OF THE ELECTION, IT SHALL SET A HEARING ON THE MATTER ON A DATE FALLING WITHIN TWO WEEKS OF WHEN IT RECEIVED THE OBJECTIONS. IF IT DETERMINES, AFTER HEARING, THAT THE OUTCOME OF THE ELECTION WAS AFFECTED BY IMPROPER CONDUCT, IT SHALL ORDER A NEW ELECTION AND SHALL ORDER CORRECTIVE ACTION WHICH IT CONSIDERS NECESSARY TO INSURE THE FAIRNESS OF THE NEW ELECTION. IF IT DETERMINES UPON INVESTIGATION THAT THE ALLEGED IMPROPER CONDUCT DID NOT TAKE PLACE OR THAT IT DID NOT AFFECT THE OUTCOME OF THE ELECTION, IT SHALL PROMPTLY CERTIFY THE ELECTION RESULTS. (Section 8 of the Act).

(Source: Amended at 13 Ill. Reg. _____, effective _____)

Section 110.160 Petitions for ~~Amendment~~/of Clarification of the Bargaining Unit

a) An exclusive representative or an employer may file a petition to clarify of/amend an existing bargaining unit. The ~~petition~~ Board shall ~~be~~ serve the petition on the other party ~~by~~ ~~the~~ be signed and shall contain the following:

- 1) the name and address of the employer;
- 2) the name, address and affiliation, if any, of the exclusive representative;
- 3) a description of the existing bargaining unit; and
- 4) the nature of the proposed ~~amendment~~/of clarification and the reasons therefor.

b) The respondent may file an answer to the petition within ~~10~~ 14 days following service of the petition. Failure to answer ~~shall~~ without good cause may be deemed a waiver of objections to the petition and a waiver of a hearing.

c) The Board Executive Director or ~~his~~ his agent shall investigate the petition and, if factual issues ~~of~~ /of ~~fact~~ exist, set it for a hearing.

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1) Interested persons desiring to intervene in the hearing shall submit a written request to the hearing officer. The hearing officer shall base his decision on whether to allow intervention upon the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, the ability of the parties to represent the interests of the person requesting intervention, and the complexity of the proceeding.

2) The Board will review the hearing officer's recommendations ~~and~~ /and ~~in~~ support of their exceptions within ~~fourteen~~ 14 days after filing of the recommendation. If no exceptions have been filed within the ~~fourteen~~ 14-day period, the parties will be deemed to have waived their exceptions.

3) Parties may file exceptions to the hearing officer's recommendations and briefs in support of their exceptions within ~~fourteen~~ 14 days after filing of the recommendation. If no exceptions have been filed within the ~~fourteen~~ 14-day period, the parties will be deemed to have waived their exceptions.

4) The Board will review the hearing officer's recommendations ~~and~~ /and ~~in~~ support of their exceptions within ~~fourteen~~ 14 days after filing of the recommendation. If no exceptions have been filed within the ~~fourteen~~ 14-day period, the parties will be deemed to have waived their exceptions.

5) The Board will review the hearing officer's recommendations ~~and~~ /and ~~in~~ support of their exceptions within ~~fourteen~~ 14 days after filing of the recommendation. If no exceptions have been filed within the ~~fourteen~~ 14-day period, the parties will be deemed to have waived their exceptions.

d) The parties may ~~amend~~ /of clarify the composition of the bargaining unit by stipulation. The stipulation shall be filed with the Board. A notice of the stipulation shall be posted on bulletin boards and at other places where notices for employees in the bargaining unit are customarily posted. The notice shall advise employees of the terms of the stipulation and direct persons objecting to the stipulation to file objections with the Board. The notice shall remain posted for at least 20 school days. The employer shall attempt to insure that the notice is not removed or defaced during the posting period and shall replace any notice which is removed or defaced.

e) During the posting period, interested parties may file objections with the Board. Objections shall be served on the employer and the

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exclusive representative prior to, or simultaneously with, their filing with the Board.

- f) Following the posting period, if no objections have been filed, the Board shall approve or disapprove the ~~amendment~~/or clarification depending upon whether the ~~amendment~~/or clarification is consistent with the Act. If no objections have been filed, the Board shall proceed in accordance with subsection 1110.160(c) of the Act.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1110.170 Petitions to Amend Certification

- a) An exclusive representative shall file a petition with the Board to amend its certification whenever there is a change in its name or structure. The ~~petition~~ Board shall ~~be~~/serve the petition on the employer. ~~By the Board~~/The petition shall be signed and shall contain:

- 1) the name and address of the employer;
- 2) the name, address and affiliation, if any, of the exclusive representative, as certified by the Board;
- 3) a description of the proposed amendment; and
- 4) the reasons for the proposed amendment.

- b) The employer shall post a notice of the proposed amendment in accordance with Section 1110.160(d) of this Part.

- c) Interested persons, including the employer, may file objections to the proposed amendment with the Board during the posting period. Objections shall be served on the exclusive representative prior to, or simultaneously with, filing with the Board.

- d) If, at the conclusion of the posting period, no objections have been filed, the Board may approve or disapprove the amendment or take any other action on it necessary to effectuate the purposes of the Act.

- e) If objections have been filed during the posting period, the Board shall proceed in accordance with subsection 1110.160(c) of the Act.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

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Section 1110.180 Petitions for Self-Determination

- a) A petition to add unrepresented employees to an existing bargaining unit, where a question concerning representation would be presented by their inclusion, may be filed by an employee, a group of employees, or exclusive representative of the existing bargaining unit. The Board shall serve the petition on the appropriate parties. The petition shall be on a form developed by the Board. It shall be signed and shall contain the following:

- 1) the name and address of the petitioner;
- 2) the name, address and affiliation, if any, of the exclusive representative;
- 3) the name and address of the employer;
- 4) a description of the bargaining unit;
- 5) the approximate number of employees in the bargaining unit;
- 6) a description of the employees who would be added to the existing unit;
- 7) the approximate number of employees who would be added;
- 8) the date that the exclusive representative was recognized and the method of recognition, if known; and
- 9) a brief description of any collective bargaining agreements covering any employees in the bargaining unit, and the expiration dates of the agreements.

- b) The petition shall be accompanied by a showing of interest that at least 30 percent of the employees sought to be added to the existing unit wish to be represented by the exclusive representative.

- c) In any election conducted pursuant to this Part, only those employees that the petition seeks to add to the unit shall vote on the question of representation.

- d) No unit will include BOTH PROFESSIONAL EMPLOYEES AND NONPROFESSIONAL EMPLOYEES UNLESS A MAJORITY OF EMPLOYEES IN EACH GROUP VOTE FOR INCLUSION IN THE UNIT. (Section 7 of the Act).

(Source: Added at 13 Ill. Reg. ____, effective ____)

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1) The Heading of the Part: Unfair Labor Practice Proceedings

2) Code Citation: 80 Ill. Adm. Code 1120

3) Section Numbers: Proposed Action:

1120.20	Amended
1120.30	Amended
1120.40	Amended
1120.50	Amended
1120.70	New

4) Statutory Authority:

Implementation and authority by the Illinois Educational Labor Relations Act, Ill. Rev. Stat. (1987), ch. 48, pars. 1701 et seq.

5) A Complete Description of the Subjects and Issues Involved:

The proposed rules modify the existing procedure for unfair labor practice proceedings. Amendments are made to filing of a charge, charge processing and investigation, complaints and responses, hearings, consideration by the Board. In addition, a new section is added on compliance.

6) Will this proposed rule replace an emergency rule currently in effect?
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

To effectuate the Illinois Educational Labor Relations Act, Ill. Rev. Stat., 1987, ch. 48, pars. 1701 et seq., in a manner consistent with developing legal precedents in the area of unfair labor practice proceedings.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comment, data, views or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to David A. Youngerman, Chief Hearing Officer, Illinois Educational Labor Relations Board, 20 North Wacker Drive, Suite 1000, Chicago, Illinois 60606. The Illinois

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Educational Labor Relations Board will consider all written comments it receives within 45 days of the publication of this Notice.

12) Initial Regulatory Flexibility Analysis: These rules do not affect small business.

The full text of the Proposed Amendments begin on the next page.

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PART 1120
UNFAIR LABOR PRACTICE PROCEEDINGS

Section	General Statement of Purpose
1120.10	Filing of a Charge
1120.20	Charge Processing and Investigation, Complaints and Responses
1120.30	Hearings
1120.40	Consideration by the Board
1120.50	Requests for Preliminary Relief
1120.60	Compliance Procedures
1120.70	

AUTHORITY: Implementing and authorized by the Illinois Educational Labor Relations Act, (Ill. Rev. Stat. 1987, ch. 48, pars. 1071 et. seq.)

SOURCE: Emergency rules adopted at 8 Ill. Reg. 7656, effective May 21, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 19413, effective September 28, 1984; amended at 13 Ill. Reg. ____, effective ____).

NOTE: Capitalization denotes statutory language

Section 1120.20 Filing of a Charge

a) An unfair labor practice charge may be filed with the Illinois Educational Labor Relations Board (the Board) by an employer, an employee organization, or an employee.

b) Unfair labor practice charges shall be on a form developed by the Board, shall be signed by the charging party and shall contain:

- 1) the name, address and affiliation, if any, of the charging party;
- 2) the name, address and affiliation, if any, of the respondent;
- 3) a clear and complete statement of facts supporting the alleged unfair labor practice, including dates, times and places of occurrence of each particular act alleged, and the sections of the Illinois Educational Labor Relations Act, Ill. Rev. Stat. 1987, ch. 48, pars. 1701 et. seq. the Act alleged to have been violated; and
- 4) a statement of the relief sought, provided that the statement shall not limit the Board's ability to award relief based on the record.

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- c) A/charging party shall serve a copy of the charge upon the respondent prior to filing of the charge with the Board.
- d) Unfair labor practice charges may be filed no later than six months after the alleged unfair labor practice occurred.
- e) A charging party may withdraw without prejudice a charge at any time prior to the issuance of a complaint. After issuance of a complaint, a charging party may withdraw a charge only with the approval of the Board or its designated representative Executive Director. The Board. The Executive Director shall approve such withdrawal when it finds that the withdrawal is consistent with the Act and this Part and was not obtained fraudulently or through duress.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1120.30 Charge Processing and Investigation, Complaints and Responses

a) The Board hereby delegates to its Executive Director the authority to investigate charges and issue complaints.

b) Upon receipt of a charge, the Executive Director shall investigate the charge.

1) The charging party shall submit to the Executive Director all evidence relevant to or in support of the charge. Such evidence may include documents and affidavits.

2) The respondent shall submit to the Executive Director a complete account of the facts, a statement of its position in respect to the allegations set forth in the charge and all relevant evidence in support of its position. Such evidence may include documents and affidavits.

3) The Executive Director shall not investigate or confer with the parties to the charge or the respondent, shall not disclose the facts or the results of the investigation, shall not issue a determination of whether the charge states an issue of law or fact.

4) If the Executive Director concludes that the investigation has established that there is an issue of law or fact sufficient to warrant a hearing, he shall issue a complaint (Section 15 of the Act). In determining whether the issues of law or fact are

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sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. The complaint shall specify the charges and shall be served on the respondent and the charging party.

- b) 4) If the Executive Director concludes that the investigation has established that there is not an issue of law or fact sufficient to warrant a hearing, the Executive Director shall dismiss the charge. In determining whether the issues of law or fact are sufficient to warrant a hearing, the Executive Director shall consider whether the charge states a cause of action upon which relief can be granted under the Act and whether the facts provided in the course of the investigation state a prima facie case. Notice of dismissal shall be served on the respondent and the charging party.

- c) The charging party may file exceptions to the Executive Director's dismissal of the charge/ and briefs in support of those exceptions. Exceptions must be filed with the Board no later than ~~seven~~ fourteen days after service of the notice of dismissal. The Board may review the Executive Director's decision on its own motion. In reviewing the exceptions, the Board will consider whether the Executive Director's decision is consistent with the Act and this Part and whether there has been an abuse of discretion. ~~Failure to file exceptions within the time specified shall constitute a waiver of the right to file exceptions.~~

- d) Whenever an unfair labor practice complaint is issued, the respondent must file an answer within 15 days after the service of the complaint.

- 1) The answer shall include a specific admission, denial or explanation of each allegation of the complaint or, if the respondent is without knowledge thereof, it shall so state and such statement shall operate as a denial. Admissions or denials may be made to all or part of an allegation but shall fairly meet the allegation.

- 2) The answer shall also include a specific, detailed statement of any affirmative defenses including, but not limited to, allegations that the violation occurred more than six months before the charge was filed, that the Board lacks jurisdiction over the matter, or that the complaint fails to allege an unfair labor practice.

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- 3) On motion of a party, failure to file a timely answer shall be deemed an admission of all allegations ~~made~~ ~~alleged~~ in the complaint. ~~And a waiver of a hearing/ failure to respond to any particular factual allegation of the complaint shall be deemed to be an admission of that particular allegation. Filing of a motion will not stay the time for filing an answer.~~

- 4) When a party has failed to file a timely answer, leave to file a late answer may be granted by the Hearing Officer for good cause shown. If good cause is shown, the answer shall be deemed timely.

(Source: Amended at 13 Ill. Reg. ___, effective ____)

Section 1120.40 Hearings

- a) Upon the issuance of a complaint, the Board shall set the matter for hearing before a hearing officer. All parties shall be given at least seven days' notice of the hearing. The notice shall comply with Section 10(a) of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par 1010(a)).

- b) Interested persons who wish to intervene in the hearing shall direct such requests to the hearing officer. The request shall be in writing and shall state the grounds for intervention. The hearing officer shall have discretion to grant or deny the request for intervention. In determining whether to grant the request, the hearing officer shall base his decision on the timeliness of the request, the degree to which the person requesting intervention has a real interest at stake, and the ability of the parties to represent the interests of the person requesting intervention.

- c) The Board will encourage hearing officers to schedule voluntary pre-hearing conferences with the parties when it appears that such conferences will aid in narrowing or resolving issues.

- d) Intermediate rulings of the hearing officer shall not be subject to interlocutory appeal. Parties may raise objections to such intermediate rulings in their exceptions to the hearing officer's recommended decision or if there is no recommended decision, in their briefs to the Board.

- e) The charging party shall present the case in support of the complaint. THE RESPONDENT MAY PRESENT EVIDENCE IN DEFENSE AGAINST THE CHARGES (Section 15 of the Act).

f) The hearing officer shall obtain a full and complete record by inquiring ~~fully~~ into all matters in dispute. The record shall be obtained either by evidentiary hearing or stipulation. Immediately prior to the close of the record, one or more parties may file motions to remove the case to the Board for decision. Responses to these motions may be filed as directed by the hearing officer. Within ~~ten~~ fourteen days after the close of the record, the hearing officer shall rule on the motions. The hearing officer may also order the case removed to the Board on his own motion within ~~ten~~ fourteen days after the close of the record. If the hearing officer orders a case removed, he shall certify that there are no determinative issues of fact that require a hearing officer's recommended decision.

g) Within ~~7~~^{seven} days after removal, a party may move the Board to remand the case to the hearing officer/~~identifying~~ in detail the material factual issues in dispute. If the Board fails to rule on the motion within 60 days, the ~~case~~^{motion} will be deemed denied; the General Counsel will ~~remanded to~~^{renewed by} the ~~hearing officer/~~^{Board/Gentles/The Motion/I/L/SMTT} set a briefing schedule. In cases removed to the Board, the Board shall remand the case if at any time it determines that the case presents issues of material fact requiring a hearing officer's recommended decision.

h) In cases not removed to the Board and in cases remanded to the hearing officer, the hearing officer shall file and serve on the parties a recommended decision as promptly as possible based on the length of the record and the complexity of the issues involved.

(Source: Amended at 13 Ill. Reg. ____, effective ____)

Section 1120.50 Consideration by the Board

a) In cases in which there is a recommended decision, the parties may file exceptions to the hearing officer's recommendation and briefs in support of those exceptions. Briefs and exceptions shall be filed no later than ~~15~~ 21 days after service of the recommendation. If no exceptions have been filed within the ~~15~~ 21-day period, the parties will be deemed to have waived their exceptions.

b) The Board will review the hearing officer's recommendation pursuant to 80 Ill. Adm. Code. 1105-220(b), or on its own motion. The Board shall file briefs, oral arguments, or other evidence relevant to the case with the Board. In cases removed to the Board, the parties will file briefs in the manner directed by the Board. In cases in which exceptions are filed and those which are removed to the Board, the Board shall

issue and serve on all parties its decision and order in accordance with 80 Ill. Adm. Code 1105.220(c)(d)(e).

(c) Oral argument shall be allowed only at the discretion of the Board. The Board shall direct oral argument when it determines that oral argument will assist in the determination of the issues. Any party may request oral argument of the issues. The Board may schedule oral argument of the issues.

(Source: Amended at 13 ILL. Reg. _____, effective _____)

Section 1120.70

Compliance Procedures

a) The compliance procedures set forth herein shall commence once a Respondent

(i) has failed to file exceptions to a Recommended Decision and Order of a Hearing Officer;

(ii) has failed to appeal a final order of the Board; or

(iii) when the appellate process initiated by a party after a final Board order has been exhausted and there remains an order requiring a Respondent to take certain affirmative action or to refrain from engaging in any action.

b) Respondent shall notify the Executive Director, in writing, within 14 days of any of the conditions set forth above in Section 1120.60(a), of its compliance with the order.

c) If upon the conclusion of the period designated above in Section 1120.60(b) compliance has not occurred, a compliance conference shall be conducted.

d) The compliance conference shall be conducted by the Executive Director or his designee and shall be in the nature of a fact-finding conference, transcribed stenographically or by other means which adequately preserve the record, at which the parties to the matter shall be afforded the opportunity to present documents, affidavits, and/or any other information, in addition to their positions, on the matter of Respondent's compliance with the order.

e) Within 30 days of the compliance conference described above in Section 1120.60(d), or a determination made under Section 1120.60(c) that compliance has taken place the Executive Director shall cause

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to be served upon the parties a Recommended Decision and Order in which all issues of law and all issues of fact bearing on compliance with the order shall be resolved.

- f) For purposes of Section 1120.60(e) issues of fact are all issues bearing on the question of Respondent's compliance with the order other than those factual issues turning exclusively on the demeanor of a witness or witnesses.

(Source: Added at 13 Ill. Reg. ____, effective ____)

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NOTICE OF PROPOSED RULES

- 1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act

- 2) Code Citation: 68 Ill. Adm. Code 1465

- 3) Section Numbers: Proposed Action:

1465.10	New Section
1465.20	New Section
1465.30	New Section
1465.40	New Section
1465.50	New Section
1465.60	New Section
1465.70	New Section
1465.90	New Section

- 4) Statutory Authority: Public Act 85-1391, effective September 2, 1988

- 5) A Complete Description of the Subjects and Issues Involved: These Rules implement Public Act 85-1391 and set forth standards necessary to evaluate applications for licensure as a Speech-Language Pathologist or Audiologist. More specifically, these Rules concern application for licensure, program approval, professional experience requirements, examination requirements, renewal, endorsement, restoration of a license and granting variances.

- 6) Will these proposed Rules replace an emergency Rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed Rules contain incorporations by reference? No

- 9) Are there any other proposed Rules pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

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All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 17, 1989
- B) Types of small businesses affected: Speech-Language Pathologists and Audiologists
- C) Reporting, bookkeeping or other procedures required for compliance: Any individual intending to make application for licensure as a Speech-Language Pathologist or Audiologist shall submit a completed application and, in addition, shall cause to be submitted any other documents or certification as required by these Rules.
- D) Types of professional skills necessary for compliance: To become licensed as a Speech-Language Pathologist or Audiologist an individual shall possess the qualifications set forth in these Rules.

The full text of the Proposed Rules begins on the next page:

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1465

THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section
1465.10
1465.20
1465.30
1465.40
1465.50
1465.60
1465.70
1465.90

Application for Licensure Under Section 7 of the Act
Approved Programs
Professional Experience
Application for Licensure
Examination
Endorsement
Renewal
Granting Variances

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act (P.A. 85-1391, effective September 2, 1988) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1985, ch. 127, par. 60(7)).

SOURCE: Adopted at 13 Ill. Reg. _____, effective _____.

Section 1465.10 Application for Licensure Under Section 7 of the Act

Those persons seeking licensure under Section 7(d) of the Act shall file an application with the Department, on forms provided by the Department of Professional Regulation (the "Department"). Such application shall be postmarked no later than midnight September 2, 1989, and shall include the following:

- a) certification, on forms provided by the Department, or documentation of active practice in speech-language pathology or audiology, or both, prior to June 1, 1989, for 2 of the last 4 years or practice in these professions for at least 4 years; and
- 1) for licensure as a speech-language pathologist, verification of a valid Type-10 Speech and Language Impaired Certificate or its equivalent issued by the Illinois State Board of Education (a copy of the certificate may be submitted as proof); or
- 2) for licensure as a speech-language pathologist or as an audiologist, verification of holding current certification from the American Speech-Language-Hearing Association (ASHA) which

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certifies that the person is a certified speech-language pathologist or audiologist, and verification of a master's degree or its equivalent;

- A) the master's degree must be conferred from a regionally accredited university or college in speech-language pathology and/or audiology;
- B) for purposes of this Section an equivalent is defined as a bachelor's degree from an accredited college or university and at least 42 post baccalaureate semester hours acceptable toward a master's degree, of which at least 30 hours must be in the areas of speech-language pathology, audiology, or speech-language and hearing science. At least 21 of these 42 semester hours must be obtained from a single college or university.
- b) a complete work history since completion of baccalaureate degree education; and
- c) the required fee set forth in Section 14(a)(1) of the Act.

Section 1465.20 Approved Programs

a) The Department of Professional Regulation (the "Department") shall approve a speech-language pathology or audiology program US reputable and in good standing if it meets the following minimum criteria:

- 1) the institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
- 2) has a faculty which comprises sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
- 3) the program director must be trained in speech-language pathology, in audiology or in speech and hearing science.
- 4) has an integrated curriculum plan which includes at least the following subject areas in professional education (60 semester hours required):

- A) Basic Communication Processes
 - 1) anatomic and physiological bases

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- ii) physical bases and processes of the production and perception of speech, language and hearing
- iii) linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing

B) Speech-Language Pathology/Audiology

- i) speech and language disorders
- ii) audiology
- iii) auditory pathology
- iv) auditory habilitation/rehabilitation

5) has a clinical practicum which provides students with 300 hours of clinical experience supervised by a licensed speech-language pathologist or audiologist or a person who is ASHA certified. The experience shall take place in at least two clinical settings (i.e. academic program, medical facility, community clinics).

b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the American Speech-Language-Hearing Association.

c) The Department has determined that all speech-language pathology and audiology master's degree programs accredited or approved by the Educational Standards Board of the American Speech-Language-Hearing Association as of January 1, 1989, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1465.30 Professional Experience

To meet the requirements of professional experience as set forth in Section (8)(f) of the Act, the applicant's experience:

- a) shall be an equivalent of nine months of full-time, supervised professional experience:
 - 1) 30 hours or more per week over 9 months;
 - 2) 25-29 hours per week over 12 months;
 - 3) 20-24 hours per week over 15 months;
 - 4) 15-19 hours per week over 18 months;
 - 5) less than 15 hours per week will not fulfill professional experience requirements;
- b) shall be in the direct client contact of at least 36 supervised activities which includes assessment/diagnosis/evaluation, screening, habilitation/rehabilitation and activities related to client

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management as it pertains to the practice of speech-language pathology or audiology as defined in Section 3 of the Act;

- c) shall be located in an evaluation and therapy program in a school, clinic, hospital, community hospital or other equivalent settings (e.g. nursing homes);

- d) shall be supervised by a licensed speech-language pathologist or licensed audiologist or by a person who holds certification from the American Speech-Language-Hearing Association.

- 1) Such supervisor shall be responsible for direct and personal contact, and monitoring, improving and evaluating the performance of the individual who is under his supervision.

- 2) The individual's performance shall be based on no less than 36 supervised activities during the professional experience, 18 of which shall be on-site observations by the supervisor. One hour equals one on-site observation, no more than 6 hours can be accrued in one day. The 18 other activities can be through correspondence and include conferences, evaluation of written reports, evaluations by professional colleagues; and

- e) shall begin after completion of the course work and clinical practicum education to meet the requirements for the master's degree.

- f) In lieu of meeting the requirements set forth in subsections (a) through (e) above, the Department will accept a letter of verification from the American Speech-Language-Hearing Association that the applicant has completed the Clinical Fellowship Year required for certification as a speech-language pathologist or audiologist.

Section 1465.40 Application for Licensure

Each applicant for a speech-language pathology or audiology license shall file an application with the Department, on forms provided by the Department. The application shall include:

- a) certification, on forms provided by the Department, of a master's degree from a program approved by the Department in accordance with Section 1465.20;
- b) passage of the National Examinations in Speech-Language Pathology and/or Audiology (NESPA) set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Department from the testing service;

- c) certification, on forms provided by the Department, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;

- d) a complete work history since completion of a baccalaureate degree program; and

- e) the required fee as set forth in Section 14(a)(1) of the Act.

Section 1465.50 Examination

- a) The examinations for licensure as a licensed speech-language pathologist and/or licensed audiologist are the National Examinations in Speech-Language Pathology or Audiology (NESPA).

- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service.

- c) Application to the testing services for purposes of the examination shall not constitute application to the Department for licensure.

Section 1465.60 Endorsement

- a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:

- 1) certification, on forms provided by the Department, of a master's degree from a program approved by the Department in accordance with Section 1465.20;

- 2) certification, on forms provided by the Department, of completion of the equivalent to 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;

- 3) In lieu of the certifications required in subsections (1) and (2) above, the applicant may submit verification of holding current certification from the American Speech-Language-Hearing Association that the person is a certified speech-language pathologist or audiologist;

- 4) certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:

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- A) the time during which the applicant was licensed;
 - B) whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
 - C) examination(s) taken and examination score(s) received.
- 5) a complete work history since completion of a baccalaureate degree program; and
 - 6) the required fee as set forth in Section 14(a)(2) of the Act.
- b) The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

Section 1465.70 Renewal

- a) The first renewal period for licenses issued under the Act shall be October 31, 1991. Thereafter every license issued under the Act shall expire on October 31 of odd numbered years. The holder of a license may renew such license during the month preceding the expiration date thereof by paying the required fee.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.

Section 1465.90 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases where he finds that:
 - 1) the provision from which the variance is granted is not statutorily mandated;
 - 2) no party will be injured by the granting of the variance; and
 - 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of Speech-Language Pathology and Audiology of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part: CHILD SUPPORT ENFORCEMENT

2) Code Citation: 89 Ill. Adm. Code 160

3) Section Numbers: Proposed Action:

160.5	New Section
160.10	Amendment
160.100	New Section
160.110	New Section
160.120	New Section
160.130	New Section
160.140	New Section
160.150	New Section
160.160	New Section

4) Statutory Authority: Sections 10-1 thru 10-19 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 10-1 thru 10-19 and 12-13)

5) A Complete Description of the Subjects and Issues

Involved: This rulemaking implements the Agee v. Duffy Consent Decree (Court No. 83 C 4774). Specifically, it adds to the Department's administrative rules, its policy on distribution of child support collections. Additionally, it adds to the Department's rules: (1) information on the notices sent to AFDC recipients and former AFDC recipients concerning the collection and distribution of child support; (2) advises how AFDC recipients and former AFDC recipients can request a review of their IV-D account(s) receivable; and (3) provides that when a family ceases to receive AFDC, the Department shall continue to provide child support enforcement services until the family advises the Department that it does not wish to receive such services. Finally, this rulemaking includes a definition Section.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Do these amendments contain an automatic repeal date? Yes ☒ No ☐

8) Do these proposed amendments contain incorporations by reference? While this rulemaking includes Section 6.02(a) of the Illinois Administrative Procedure Act incorporations by reference, it does not contain any Section 6.02(b) of the Illinois Administrative Procedure Act incorporations by

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Section

160.100 Distribution Of Child Support For AFDC Recipients
 160.110 Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services
 160.120 Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled
 160.130 Distribution Of Intercepted Income Tax Refunds

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

160.140 Statement Of Child Support Account Activity

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

160.150 Department Review Of Distribution Of Child Support For AFDC Recipients
 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients

AUTHORITY: Implementing and authorized by Sections 4-1.7, 10-1 et seq., 12-4.3, and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 4-1.7, 10-1 et seq., 12-4.3, and 12-13 and 12-13).

SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg. 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987; emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185, effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20335, effective December 2, 1988, for a maximum of 150 days; amended at 13 Ill. Reg. 22278, effective January 1, 1989; amended at 13 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: CHILD SUPPORT ENFORCEMENT

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Section 160.5 Definitions

"AFDC" refers to the AID to Families with Dependent Children Program, Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq., that is financial and medical assistance available to families with one or more dependent children or on behalf of dependent children in foster care under the guardianship of the Department of Children and Family Services.

"AFDC recipient" refers to a person who is receiving financial and medical assistance under the AFDC program in the current month.

Assignment of support" refers to the transfer of support rights to the Department by the acceptance of AFDC benefits, pursuant to 42 U.S.C. 602(a)(26)(A) and Section 10-1 of The Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 10-1).

"Cancellation" refers to the discontinuance of AFDC financial and medical benefits for an assistance unit because of the failure to satisfy the conditions of eligibility under the Title IV-A State Plan.

"Child support enforcement services" refers to those services provided to establish, enforce and collect support, in accordance with an approved State Plan under Title IV-D of the Social Security Act (42 U.S.C. 654).

"IV-D account receivable" or "support account" refers to a part of the accounting system in the Family Support Information System (FSIS) used to record charges, payments, and account adjustments for a particular account. More than one account may exist for a given caretaker relative and for a given responsible relative. For example, a mother with two children by one father from one marriage, and three children by a second father from another marriage, will have two support accounts if there are two separate support obligations. If children are born in a non-marital relationship, there will be one account per child.

"IV-D program" or "IV-D" refers to the child support program set forth in 42 U.S.C. 651 et seq. and this part of the Department administrative rules.

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Section 160.5 Definitions (cont'd.)

"Responsible relative" refers to a person who is responsible, or alleged to be responsible, under law for support of a dependent.

"Support case" refers to a case established in the FSIS for the purpose of providing establishment, enforcement and collection services to dependent children and their custodial parent, in accordance with the provisions of Title IV-D of the Social Security Act (42 U.S.C. 654).

"Support obligation" refers to the duty a non-custodial relative owes to his or her dependents, as set forth in a legally-valid court or administrative order.

"Unreimbursed AFDC" refers to the total amount of financial assistance provided to a family unit, in accordance with Title IV-A of the Social Security Act, 42 U.S.C. 601 et seq., for which the State and Federal governments have not been reimbursed. The State and Federal governments are limited in the amount of support payments they may retain for "unreimbursed AFDC", in accordance with the provisions set forth in Sections 160.100, 160.110 and 160.130 of this Part. The amount of unreimbursed assistance accrued prior to the AFDC cancellation, reported in the Department's "Statements of Child Support Account Activity for Former Recipients" (see Section 160.140), is that limited amount which the Department is entitled to retain.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 160.10 Child Support Enforcement Program

- a) Under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

- 1) children receiving AFDC;
- 2) children receiving foster care maintenance

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Section 160.10 Child Support Enforcement Program (cont'd.)

payments under Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.);

- 3) a spouse or former spouse when the former spouse/spouse lives with the child;
- 4) former AFDC recipients following AFDC cancellation pursuant to subsection (g) below;
- 5) persons not receiving AFDC, upon application to the Department for such services; and
- 6) persons similarly situated to subsections (1) through (5) above and receiving Title IV-D support services in other states.

b) Title IV-D is implemented by the Department through its Bureau Division of Child Support Enforcement.

c) The Bureau Division of Child Support Enforcement has sole responsibility for:

- 1) identifying and locating the absent parent;
- 2) establishing the parentage of a child born out of wedlock;
- 3) establishing support obligations;
- 4) enforcing and collecting support;
- 5) receiving and distributing support payments;
- 6) maintaining accurate records of location and support activities; and
- 7) advising the local office of circumstances which may affect the family's eligibility for AFDC (e.g., the father is living in the home, or a child no longer lives in the home, etc.).

d) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

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Section 160.10 Child Support Enforcement Program (cont'd.)

- e) The Department shall explain to each AFDC applicant or recipient his/her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of noncooperation.

f) For active AFDC cases, payments up to \$50 of the current child support collected by the Department in a month will be disbursed to the assistance unit. Payment will be made in the second month following the month the child support payment is received by the Department. This payment will be disregarded when determining eligibility for assistance and the amount of the AFDC assistance grant.

g) Whenever a family ceases to receive AFDC cash assistance, the Department shall:

- 1) continue to provide all appropriate title IV-D services to the family for a period of five (5) months following the month in which the family ceases to receive assistance. The Department shall not charge fees or recover costs during this period for the title IV-D services provided. Current support payments shall be directed to the family by the Department.

- 2) notify the family before the end of the five (5) month period that title IV-D services will be continued unless the Department is notified to the contrary. If the family advises the Department that it does not wish to receive title IV-D services, the notice shall also include a description of the title IV-D services available from the Department and information on the Department's distribution policies. The Department shall not charge fees or recover costs during this period for the title IV-D services provided.

- 3) at the end of the five (5) month period, if the family has not requested discontinuation of services, continue to provide all appropriate title IV-D services and direct current support payments to the family. A formal application of

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Section 160.10 Child Support Enforcement Program (cont'd.)

application fee shall not be required by the Department.

(Source: Amended at 13 Ill. Reg. ___, effective ___)

SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

Section 160.100

Distribution Of Child Support For AFDC Recipients

- a) For the purposes of distribution under this Section, amounts collected shall be treated first as payment on the required support obligation for the month in which the child support was collected and if any amounts are collected which are in excess of such amount, these excess amounts shall be treated as amounts which represent payment on the required support obligation for previous months. Effective June 9, 1988, the date of collection shall be the date on which payment is received by the Clerk of the Circuit Court or the Department, whichever occurs first.

- b) Child support payments which are received by the Department for a month in which a client is an AFDC recipient shall be distributed as follows:

- 1) Pass Through: Of any amount that is collected in a month which represents payment on the required support obligation for that month, the first \$50.00 of such amount shall be paid to the family. This payment will be forwarded to the family in the second (2) month following the month the child support payment is collected. This payment will be disregarded when determining eligibility for AFDC and the amount of the AFDC grant. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive the first \$50.00 of the amount which represents the required support obligation for the month in which the support was collected. If amounts are collected for a single filing unit (see 89 Ill. Adm. Code 112.300(b)) which represent support payments from two or more responsible relatives,

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Section 160.100

Distribution Of Child Support For AFDC Recipients (cont'd.)

only the first \$50.00 of the amount collected which represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subsection. No payment shall be made to a family under this subsection for a month in which there is no child support collection.

2) Reimbursement of Current AFDC: If the amount of child support collected in a month on behalf of an AFDC recipient exceeds the amount to be paid to the family pursuant to subsection (b)(1), the excess shall be retained by the Department to reimburse the Department for the assistance payment for the month in which the support was collected or the next month.

3) Current Excess: If the amount of child support collected in a month on behalf of an AFDC recipient exceeds the amount to be distributed pursuant to subsections (b)(1) and (b)(2) above, the family shall be paid such excess up to the difference between the AFDC grant for the month in which the amount of the collection was used to redetermine eligibility for AFDC (see 45 CFR 302.32)(1987) and the court ordered amount for that month. This payment shall be forwarded to the family in the month following the month in which the amount of the collection was used to redetermine eligibility for the family. If such court ordered amount is less than the AFDC grant, no amount shall be paid to the family under this subsection. In those cases where there is no court order, the family shall not be paid any amount under this subsection.

4) Reimbursement of Past AFDC: If the amount of child support collected in a month on behalf of an AFDC recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(3) above, any such excess shall be retained by the Department as reimbursement for past assistance payments made to the family for which the Department has not been reimbursed. The Department will apply the

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Section 160.100

Distribution Of Child Support For AFDC Recipients (cont'd.)

amount retained to any sequence of months for which the Department has not yet been reimbursed. If past assistance payments made to the family are greater than the unpaid support obligation, the maximum amount the Department can retain as reimbursement for such assistance payments is the amount of such obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the family received assistance, in which case such amounts can be retained by the Department to reimburse the difference between such support obligation and such assistance payments.

5) Past Excess: If the amount of child support collected in a month on behalf of an AFDC recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(4) above, such excess shall be paid to the family. This payment shall be made in the month following the month in which the amount of the collection was used to redetermine eligibility for AFDC.

c) If an amount collected as support represents payment on the required support obligation for future months, the amount collected shall be applied to such future months. However, no such amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current month and all past months.

d) Identification of Child Support Payment: Any support payment issued to the family under subsections (b)(3) or (b)(5) above shall be identified on its face as being for child support.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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Section 160.110

Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services

Child support payments which are received by the Department on behalf of a former AFDC recipient who continues to receive child support enforcement services, shall be distributed in accordance with the provisions of subsections (a) through (e) below.

a)

Current Support: Upon cancellation of AFDC, a client's assignment of support ceases (see Section 160.20), except with respect to the amount of any unpaid support obligation that has accrued under such assignment. For any month in which a client is not an AFDC recipient, regardless of whether such client continues to receive child support enforcement services, the client is entitled to the amount of current support paid for that month, up to the amount of the monthly support obligation for that month. Current support payments to former AFDC recipients who do receive child support enforcement services from the Department shall be issued within fourteen (14) calendar days of receipt by the Department.

b)

Unpaid Current Support Accrued Following Cancellation: If the amount of child support collected in a month on behalf of a former AFDC recipient who receives child support enforcement services exceeds the amount of current support distributed pursuant to subsection (a) above, the client shall be paid any such amount, up to the unpaid current support obligation which has accrued for any month following cancellation of the client's AFDC case in which the client received child support enforcement services. Such payments to former AFDC recipients shall be issued within fourteen (14) calendar days of receipt by the Department.

c)

Unreimbursed AFDC: If the amount of child support collected in a month on behalf of a former AFDC recipient exceeds the amount to be distributed pursuant to subsections (a) and (b) above, the excess shall be retained by the Department to reimburse it for past unreimbursed AFDC. If the unpaid support obligation is greater than the past unreimbursed AFDC, then the maximum reimbursement amount is the amount of

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Section 160.110

Distribution Of Child Support For Former AFDC Recipients Who Continue To Receive Child Support Enforcement Services (cont'd.)

unreimbursed AFDC the Department has provided. If the past unreimbursed AFDC is greater than the unpaid support obligation, then the maximum reimbursement amount is the amount of the unpaid support obligation, unless amounts are collected which represent the required support obligation for periods prior to the first month in which the former AFDC recipient received AFDC, in which case such amounts will be retained by the Department to reimburse the difference between such support obligation and such past unreimbursed AFDC.

d)

Past Excess: If the amount of child support collected in a month on behalf of a former AFDC recipient exceeds the amount to be distributed pursuant to subsections (a), (b) and (c) above, the excess, up to the amount of the unpaid support obligation, including the unpaid obligation for months prior to the first month in which the former AFDC recipient received AFDC, shall be paid to the client. Such payments to former AFDC recipients shall be issued no later than the end of the month following the month in which the support payment was received by the Department.

e)

Amounts In Excess of the Child Support Obligation: If the amount of child support collected in a month on behalf of a former AFDC recipient who continues to receive child support enforcement services exceeds the amount to be distributed pursuant to subsections (a), (b), (c) and (d) above, the excess shall be refunded to the responsible relative.

f)

Identification of Child Support Payment: Any support payment issued by the Department to a former AFDC recipient under this Section shall be identified on its face as being a child support payment.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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Section 160.120

Distribution Of Child Support Collected While The Client Was An AFDC Recipient, But Not Yet Distributed At The Time The AFDC Case Is Cancelled

Child support payments which are received by the Department in a month in which a client is a current AFDC recipient, but which have not been distributed when the client's AFDC case is cancelled shall be distributed in accordance with 45 CFR 302.51(a) thru (d)(1987). Any amounts owed to former AFDC recipients pursuant to such distribution shall be issued by the Department in accordance with the following timeframes:

- a) Child support to which a former AFDC recipient is entitled pursuant to 45 CFR 302.51(b)(1)(1987) ("Pass Through") shall be issued within two (2) months following the month in which the support payment was collected;
- b) Child support to which a former AFDC recipient is entitled pursuant to 45 CFR 302.51(b)(3)(1987) ("current excess") shall be issued within four (4) months following the month in which the support payment was collected;
- c) Child support to which a former AFDC recipient is entitled pursuant to 45 CFR 302.51(b)(5)(1987) ("past excess") shall be issued within four (4) months following the month in which the support payment was collected.

(Source: Added at 13 Ill. Reg. _____, effective _____)

Section 160.130

Distribution Of Intercepted Income Tax Refunds

The Department shall as promptly as possible apply collections it receives as a result of intercept of State and Federal income tax refunds under Section 160.70 only against the past-due support amount specified in the advance notice provided the responsible relative (see Section 160.70(c)(3)) and shall promptly apply:

- a) federal income tax refunds first to satisfy any IV-D AFDC or IV-D foster care assigned past-due support and then to satisfy any IV-D Non-AFDC past-due support; and

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Section 160.130

Distribution Of Intercepted Income Tax Refunds (cont'd.)

- b) state income tax refunds and other State payments to satisfy any active IV-D AFDC and IV-D foster care assigned past-due support, or first to satisfy active IV-D Non-AFDC past-due support and then to satisfy any IV-D AFDC and IV-D foster care assigned past-due support.

(Source: Added at 13 Ill. Reg. _____, effective _____)

SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

Section 160.140

Statement Of Child Support Account Activity

The Department will send to each AFDC recipient and each former AFDC recipient a "Statement of Child Support Account Activity ("Notice")", in accordance with the provisions of subsections (a) thru (c) below.

- a) Notice Sent Monthly To AFDC Recipients

- 1) The Department will send a notice monthly to each AFDC recipient for whom a IV-D accounts receivable has been established. This notice will include the following information for the third previous month:

- A) the terms of each support order, the support order number, and beginning date of each support order;
- B) the account balance of each support order for the reporting month;
- C) total amount paid in the reporting month under each support order;
- D) identification of the reporting month;
- E) total payments received for all support order for the reporting month;
- F) the amount of un reimbursed assistance;
- G) the distribution of support payments for the

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Section 160.140

Statement of Child Support Account Activity
(cont'd.)

eleven (11) month period for which
distribution is complete, including:

- i) the amount of support received;
- ii) AFDC grant amount;
- iii) amount of support paid to the client as
current, Pass Through and excess;
- iv) the amount of support retained to
reimburse the Department;
- v) the amount of support applied to future
obligations; and

H) the means by which an AFDC recipient can
obtain additional information concerning her
child support account and/or can appeal the
Department's determination.

- 2) The notice will also contain an insert setting
forth the Department's policy on earmarking
income pursuant to Section 160.90.

b) Notice Sent To Former AFDC Recipients In The First And
Second Month Following Case Cancellation

For two (2) consecutive months following the month of
AFDC cancellation, the Department will send to each
former AFDC recipient for whom a IV-D accounts
receivable has been established, a notice which
includes the following information for her case:

- 1) the effective month and year of AFDC cancellation;
- 2) the terms of each support order, the support
order number, and beginning date of each support
order;
- 3) total amount paid in the reporting month under
each support order;
- 4) the total amount of support due at AFDC

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Section 160.140

Statement of Child Support Account Activity
(cont'd.)

cancellation which remains unpaid under each
support order;

- 5) the total amount of current support due after
AFDC cancellation which remains unpaid under each
support order;
- 6) identification of the reported month;
- 7) the remaining amount of unreimbursed assistance
accrued prior to the AFDC cancellation;
- 8) the distribution of support payments for the five
(5) month period for which distribution is
complete, including:

A) the amount of support received;

B) AFDC grant amount;

C) amount of support paid to the client as
current, Pass Through and excess;

D) the amount of support retained to reimburse
the Department;

E) the amount of support applied to future
obligations;

9) the total amount of child support collected in
the prior month and the source of collection;

10) the total amount of support paid to the client
(i.e., current, excess and past due) for the
prior month;

11) the amount of support retained to reimburse the
Department; and

12) the means by which a former AFDC recipient can
obtain additional information concerning her
child support account and/or can dispute the
distribution of support by requesting an account
review.

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Section 160.140

c) Notice Sent To Former AFDC Recipients In The Third Month Following Case Cancellation And For Any Subsequent Month For Which The Department Receives A Child Support Payment

The Department will send to each former AFDC recipient (for whom a IV-D accounts receivable has been established) beginning with the third month following the month of AFDC cancellation and for any subsequent month for which the Department receives a child support payment, a notice which includes the following information:

- 1) the effective month and year of AFDC cancellation;
- 2) the terms of each support order, the support order number, and beginning dates of each support order;
- 3) total amount paid in the prior month under each support order;
- 4) the total amount of support due at AFDC cancellation which remains unpaid under each support order;
- 5) the total amount of current support due after AFDC cancellation which remains unpaid under each support order;
- 6) identification of the prior month;
- 7) the remaining amount of unreimbursed assistance accrued prior to the AFDC cancellation;
- 8) the total amount of support paid to the client (i.e., current and past due) for the prior month;
- 9) the total amount of child support collected in the prior month and the source of collection;
- 10) the amount of support retained to reimburse the Department; and

11) the means by which a former AFDC recipient can obtain additional information concerning her child support account and/or can dispute the distribution of support by requesting an account review.

(Source: Added at 13 Ill. Reg. , effective)

SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION
OF CHILD SUPPORT

Section 160.150

Any AFDC recipient who disagrees with the Department's distribution of child support relating to her Title IV-D account (see Sections 160.100 and 160.130(b)) can appeal in accordance with 89 Ill. Adm. Code 102.80, 102.83 and 102.84 and 04:Subpart A.

(Source: Added at 13 Ill. Reg. , effective)

Section 160.160

- a) A former AFDC recipient may request an account review at anytime and a prior account review decision or reconsidered account review decision shall not act as a bar to review.
- b) A written request for account review shall be filed with the Department. For mailed requests, the date of filing is the date the request is received by the Department, not the postmark date.
- c) The Department shall require former AFDC recipients to provide the following information to request an account review:
 - 1) the name and address of the former AFDC recipient,
 - 2) the name(s) of her child(ren),
 - 3) the name(s) of the responsible relative(s) obligated to pay support, and

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Section 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients (cont'd.)

- 4) the period for which review is sought.

d) Request for Additional Information

- 1) The Department may request former AFDC recipients to provide the following additional information to request an account review, but may not require such information:

- A) support order number,
 B) the responsible relative's social security number,
 C) the former recipient's social security number, and
 D) the AFDC case number.

- 2) If the Department is unable to identify the former AFDC recipient's IV-D account because the former AFDC recipient has not provided sufficient information, the Department shall be relieved of having to complete the account review within the timeframes specified in subsections (e) and (f) below.

- e) In the event the request for account review seeks review as to current support due and not received during the month of the request and/or the prior month, the Department shall issue an account review decision no later than thirty (30) calendar days after the date of the Department's receipt of the request.

- f) If the request for account review seeks review as to support due and not received for a period more than one month prior to the request, the Department shall issue an account review decision no later than seventy-five (75) calendar days after the date of the Department's receipt of the request.

g) Request for documents

- 1) At any time after requesting an account review, a former AFDC recipient may request any document

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possessed by the Department's Division of Child Support Enforcement (DCSE). Such documents include but are not limited to:

- A) support orders,
 B) all FSIS screens, or
 C) other computer records.

- 2) DCSE shall furnish such documents, excepted as prohibited by federal law and regulation, within thirty (30) calendar days of its receipt of the request.

- h) The Department shall afford former AFDC recipients who request account reviews the opportunity to submit additional documentary evidence prior to the issuance of the account review decision.

- i) An account review decision shall contain the following:

- 1) the names of the person requesting review, the children, and the responsible relative(s);
 2) calculations made by the Department;
 3) appropriate citations to Department policy regarding collection and/or distribution of support;
 4) a statement as to whether the former AFDC recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC recipient;
 5) the name and office address of the account reviewer;
 6) a statement advising that the account review decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari, unless reconsideration of the account review decision is requested in writing within

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Section 160.160

Department Review Of Distribution Of Child Support For Former AFDC Recipients (cont'd.)

thirty (30) calendar days by the former AFDC recipient; and

7) a statement that the former AFDC recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number or in-person at a local office arranged by appointment through the toll-free number.

j) After a former AFDC recipient receives an account review decision, the former AFDC recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number so that the former AFDC recipient may receive an explanation of her account review decision by her account reviewer. If the former AFDC recipient's account reviewer is unavailable, a former AFDC recipient will be offered assistance by another account reviewer.

k) After a former AFDC recipient receives an account review decision, she may request an explanation of the decision by an in-person meeting at her local office with a designated staff member who will be available to explain the account review decision.

l) A former AFDC recipient has a right to reconsideration of the account review decision. Reconsideration must be requested by the former AFDC recipient within thirty (30) calendar days of the date of the account review decision. Former AFDC recipients will be advised by the account review decision that they have a right to reconsideration of the account review decision and that they must file a written request for reconsideration.

m) A request for reconsideration must include the former AFDC recipient's name, case number, date of account review decision, and the reason why the former AFDC recipient believes that the account review decision is incorrect. The former AFDC recipient shall also provide copies of any documentation that she believes that the account reviewer failed to consider in reaching the account review decision.

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Department Review Of Distribution Of Child Support For Former AFDC Recipients (cont'd.)

n) The Department shall issue a reconsideration decision no later than fifteen (15) calendar days after the date of the Department's receipt of the request.

o) The reconsideration decision shall include the following:

i) the names of the person requesting the reconsideration, the children, and the responsible relative(s);

ii) a statement that the account reviewer has reviewed the prior documents and decision and has considered any new documentation or statements that have been submitted by the former AFDC recipient;

iii) calculations made by the Department in making the reconsideration and citations to appropriate Department policy if different than policy cited in the original decision;

iv) a statement as to whether the original account review decision was correct or incorrect and whether the former AFDC recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC recipient;

v) the name and office address of the account reviewer;

vi) a statement advising that the reconsideration decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari; and

vii) a reference to an attached copy of the original account review decision which will be enclosed with the reconsideration decision.

p) Any funds to which a former AFDC recipient is determined to be entitled as the result of an account review decision or reconsideration of that decision

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Section 160.160 Department Review Of Distribution Of Child Support For Former AFDC Recipients (cont'd.)

shall be issued within thirty (30) calendar days of the date of the account review decision or reconsideration of that decision.

- q) A former AFDC recipient is entitled to seek review by writ of certiorari of any account review decision and is not required to request reconsideration of such decision prior to filing an action in state court.

(Source: Added at 13 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENT

- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
140.526 Amendment
- 4) Statutory Authority: Section 5-5.5 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 5-5.5 and 12-13)
- 5) A Complete Description of the Subjects and Issues Involved: In order to pass Part III of QUIP, Community and Family Participation, a total number of contact hours are required per month based on the number of Medicaid residents times 8.6. Of those required hours, only 25 percent may be family related and 10 percent group presentations. This rule is being revised to state those requirements more specifically.

This rulemaking will have no economic impact on persons regulated thereby.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.19	Amendment	August 12, 1988 (12 Ill. Reg. 12976)
140.20	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.43	New Section	December 2, 1988 (12 Ill. Reg 19868)
140.100	Amendment	October 14, 1988 (12 Ill. Reg. 16421)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.110	New Section	July 15, 1988 (12 Ill. Reg. 11701)
140.350	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.362	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.363	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.364	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.367	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.369	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.370	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.372	Amendment	April 1, 1988 (12 Ill. Reg. 5958)
140.373	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.376	Repealed	April 1, 1988 (12 Ill. Reg. 5958)
140.390	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.392	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.394	Amendment	November 4, 1988 (12 Ill. Reg. 17643)
140.400	Amendment	October 28, 1988 (12 Ill. Reg. 17172)

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.400	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.435	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.436	Amendment	December 16, 1988 (12 Ill. Reg. 20714)
140.440	Amendment	December 30, 1988 (12 Ill. Reg. 22329)
140.441	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.443	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.445	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.447	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.525	Amendment	October 28, 1988 (12 Ill. Reg. 17172)
140.642	Amendment	November 28, 1988 (12 Ill. Reg. 19613)
140.896	New Section	July 15, 1988 (12 Ill. Reg. 11701)

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning the proposed rulemaking. All comments must be in writing and should be addressed to Tom Toberman, Bureau of Medical Program Analysis, Illinois Department of Public Aid, 201 South Grand Avenue East, Third Floor, Springfield, Illinois 62762 (217/524-7335). The Department will consider all written comments it receives within 30 days of the date of publication of this notice.

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12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 18, 1989
- B) Types of small businesses affected: Medical Providers
- C) Reporting, bookkeeping or other procedures required for compliance: Recordkeeping
- D) Types of professional skills necessary for compliance: None

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
- 140.2 Medical Assistance Programs
- 140.3 Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Infants Under Age One Year Who Do Not Qualify As Mandatory Categorically Needy Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
- 140.4 Covered Medical Services Under GA and AMI
- 140.5 Medical Services Not Covered
- 140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Infants Under Age One Year
- 140.7 Medical Assistance For Qualified Severely Impaired Individuals
- 140.8 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
- 140.9 Medical Assistance Provided to Incarcerated Persons
- 140.10

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section

- 140.11 Enrollment Conditions for Medical Providers
- 140.12 Participation Requirements for Medical Providers
- 140.13 Definitions
- 140.14 Denial of Application to Participate in the Medical Assistance Program
- 140.15 Recovery of Money
- 140.16 Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
- 140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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Section	
140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20	Submittal of Claims
140.22	Magnetic Tape Billings
140.23	Payment of Claims
140.24	Payment Procedures
140.25	Overpayment or Underpayment of Claims
140.26	Payment to Factors Prohibited
140.27	Assignment of Vendor Payments
140.28	Record Requirements for Medical Providers
140.30	Audits
140.35	False Reporting and Other Fraudulent Activities
140.40	Prior Approval for Medical Services or Items
140.41	Prior Approval in Cases of Emergency
140.42	Limitation on Prior Approval
140.71	Drug Manual (Recodified)
140.72	Drug Manual (Recodified)
140.73	Drug Manual Update (Recodified)
SUBPART C: HOSPITAL SERVICES	
Section	
140.94	Hospital Services
140.95	Participation
140.96	General Requirements
140.97	Special Requirements
140.98	Covered Hospital Services
140.99	Hospital Services Not Covered
140.100	Limitation On Hospital Services
140.101	Transplants
140.102	Heart Transplants
140.103	Liver Transplants
140.104	Bone Marrow Transplants
140.110	Disproportionate Share Hospital Adjustments (Emergency Expired)
140.116	Payment for Inpatient Services for GA
140.117	Hospital Outpatient and Clinic Services
140.200	Payment for Hospital Services During Fiscal Year 1982
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983
140.203	Limits on Length of Stay by Diagnosis
140.300	Payment for Pre-Operative Days and Services Which Can Be Performed in an Outpatient Setting
140.350	Copayments

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NOTICE OF PROPOSED AMENDMENT

Section	
140.360	Payment Methodology
140.361	Non-Participating Hospitals
140.362	Pre July 1, 1984 Services
140.363	Post July 1, 1984 Services
140.364	Utilization Allocation
140.365	Base Year Costs
140.366	Restructuring Adjustment
140.367	Inflation Adjustment
140.368	Volume Adjustment (Repealed)
140.369	Groupings
140.370	Rate Calculation
140.371	Payment
140.372	Review Procedure
140.373	Utilization
140.374	Alternatives
140.375	Exemptions
140.376	Utilization, Case-Mix and Discretionary Funds
140.390	Subacute Alcoholism and Substance Abuse Services
140.391	Definitions
140.392	Types of Subacute Alcoholism and Substance Abuse Services
140.394	Payment for Subacute Alcoholism and Substance Abuse Services
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services
140.398	Hearings
SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES	
Section	
140.400	Payment to Practitioners and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.416	Eye Care Services and Materials
140.417	Limitations on Eye Care
140.420	Dental Services
140.421	Limitations on Dental Services
140.422	Requirements for Prescriptions and Dispensing of Pharmacy Items - Dentists
140.425	Podiatry Services
140.426	Limitations on Podiatry Services

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Section 140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Acquisition Cost
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.460	Clinic Services
140.461	Clinics Participation Requirements
140.462	Covered Services in Clinics
140.463	Encounter Rate Clinics
140.464	Psychiatric Clinics (Hospital-based)
140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services

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Section 140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Medichex Services
140.486	Limitations on Medichex Services
140.487	Payment on Medichex Services
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.495	Psychological Services
140.496	Payment for psychological Services
SUBPART E: GROUP CARE	
Section 140.500	Group Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Services Provided Without Charge
140.512	Utilization Control
140.513	Utilization Review Plan
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Eligibility For Quality Incentive Program (QUIP)
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
140.527	Quality Incentive Survey
140.528	Payment of Quality Incentive
140.529	Reviews
140.530	Basis of Payment for Group Care Services
140.531	General Service Costs
140.532	Health Care Costs

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Section	
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Nurse's Aide Training
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports
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140.550	Update of Operating Costs
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140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Incentive Payments for Quality Care
140.566	Level I Incentive Payments
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140.568	Duration of Incentive Payments
140.569	Clients With Exceptional Nursing Care Needs
140.570	Capital Rate Component Determination
140.571	Fair Rental Value (FRV) Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements
140.581	Qualifying as Mandated Capital Improvement
140.582	Cost Adjustments
140.583	Campus Facilities
140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Pre-Screening Assessment

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140.643	In-Home Care Program
140.645	Medical and In-Home Care For Disabled Persons 18 Years Old or Younger
140.646	Reimbursement for Day Programming for the Mentally Retarded Who Reside in Long Term Care Facilities
140.647	Description of Day Programming Service Levels
140.648	Determination of the Amount of Reimbursement for Day Programming for the Mentally Retarded
140.649	Effective Dates of Reimbursement for Day Programs
140.650	Certification of Day Programs
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140.652	Terms of Assurances and Contracts
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140.700	Discharge of Long Term Care Residents
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140.860	Payment
140.865	Definition
140.870	Guidelines
140.875	Intermediate Care (ICF)
140.880	Skilled Care (SNF)
140.885	Statewide Rates
140.890	Reimbursement for ICF/MR-15 and Under Facilities
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SUBPART G: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES

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140.900	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.901	Functional Areas of Needs (Recodified)
140.902	Service Needs (Recodified)
140.903	Definitions (Recodified)
140.904	Times and Staff Levels (Repealed)
140.905	Statewide Rates (Repealed)
140.906	Reconsiderations (Recodified)

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- Section
 140.907 Midnight Census Report (Recodified)
 140.908 Times and Staff Levels (Recodified)
 140.909 Statewide Rates (Recodified)
 140.910 Referrals (Recodified)
 140.911 Basic Rehabilitation Aide Training Program (Recodified)
 140.912 Interim Nursing Rates (Recodified)

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
 EQUITY (ICARE) PROGRAM

- 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)
 140.942 Definition of Terms (Recodified)
 140.944 Notification of Negotiations (Recodified)
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)
 140.948 Negotiation Procedures (Recodified)
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 140.952 Closing an ICARE Area (Recodified)
 140.954 Administrative Review (Recodified)
 140.956 Payments to Contracting Hospitals (Recodified)
 140.958 Admitting and Clinical Privileges (Recodified)
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
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 140.970 Termination of ICARE Contracts (Recodified)
 140.972 Hospital Services Procurement Advisory Board (Recodified)
 TABLE A Medichex Recommended Screening Procedures
 TABLE B Health Service Areas
 TABLE C Capital Cost Areas
 TABLE D Schedule of Dental Procedures
 TABLE E Time Limits for Processing of Prior Approval Requests
 TABLE F Podiatry Service Schedule
 TABLE G Travel Distance Standards
 TABLE H Staff Time and Allocation by Need Level (Recodified)
 TABLE I Staff Time and Allocation for Training Programs (Recodified)
 TABLE J HSA Grouping

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1987, ch. 111 1/2, par.

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6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 29, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235,

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effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 31, 1986; amended at 11 Ill. Reg. 1418, effective January 16, 1987; amended at 11 Ill. Reg. 2323, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295,

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effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.913 and 140.914 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.206 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. —, effective —.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 140.526 Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)

- a) The five quality incentive standards and the criteria for each are listed in the following subsections. These criteria shall be evaluated by the Department using a standardized assessment instrument.
- 1) The assessor will evaluate the level of achievement relying on the documentation provided, direct observation and resident and staff interviews.
 - 2) The burden of proof rests with the facility to demonstrate the inapplicability of the QUIP standard for any resident through precise

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documentation in existence at the time of the assessment.

- 3) For purposes of Section 140.526, documentation will mean as written and specified in the required comprehensive care plan, nursing charts, activity records or community contact logs. Documentation will require specificity such that the assessor will not need additional interpretation from facility staff as to the reasonableness of the facility assertion regarding resident choice, needs, capabilities, progress, goals, activities and contacts. Documentation must relate specific information about resident diagnoses or impairment as necessary to support said assertions.

- b) Functional & Sensory-stimulating Environment: This standard requires that the resident's environment promotes maximum independence and physical and mental functioning and lends meaning to life. Achievement of the standard will be demonstrated through on-site observation and evaluation of the facility environment, including the interior and exterior areas of the facility, and the furniture and fixtures in those areas.

- 1) The QUIP instrument will assign the following maximum points for this standard to each of the following areas:

A) Exterior	18 points
B) Interior - General	18 points
C) Interior - Congregate Areas	36 points
D) Communication Aids	42 points
E) Resident Rooms	30 points
F) Resident Toilet Rooms	24 points
G) Recreation Areas	18 points

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H) Dining Area and Meals 18 points

- 2) If a criterion (item) in areas identified in subsections (A), (B), (C), (D), (G) and (H) is not applicable to a facility, the assessor will enter N/A (not applicable) opposite the item on the assessment instrument and award the maximum score possible per item.
- 3) Resident rooms and toilet areas will be evaluated using a two point measurement scale for each attribute for each room observed. Four resident rooms and adjoining toilet rooms in each unit will be evaluated. In addition, four bath rooms will be evaluated unless fewer than four are available, in which case all will be evaluated. For other areas of evaluation, scores will be assigned for each criterion on a range of points, where 0 represents that minimum standards are not exceeded, 3 represents that minimum standards are exceeded, or to a limited degree are exceeded, and 6 represents that standards are greatly or consistently exceeded.

- 4) Ten criteria will be used to evaluate the eight facility areas identified above, as appropriate. The criteria are:

- A) Facility cleanliness; fresh-smelling; free of dirt, crumbs and clutter; free of stains or spots; in good repair.
- B) Bright and cheerful resident rooms which are personalized and colorful.
- C) Personal possessions in resident's room, such as pictures, furniture, wall-hangings and decorations.
- D) Provision for privacy, i.e., the staff is considerate of resident needs.
- E) Sensory compensating equipment, e.g., large print menus, talking books, visual cues to

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differentiate areas of home and adaptive equipment aids.

- F) Communication enhancers, e.g., furniture arrangement and communication boards.
- G) Residential atmosphere in congregate living space which promotes mobility and conversation; stimulating and vibrant.
- H) Presence of living things, e.g., pets and plants.
- I) Special purpose rooms for small and large group gatherings and special activities, e.g., library, including current magazines or newspapers, and music appreciation room. Magazines will be considered current when no more than three months old; newspapers when no more than two days old.

- J) Dining area atmosphere, i.e., meals and room promote socialization and self-help and are attractive and appetizing.

- c) Resident Participation and Choice: This standard requires that the resident enjoys a full scope of varied activities which offer continuity and opportunities for choice. A facility must meet the level of achievement on both of the following two criteria in order to demonstrate that the standard has been met.

- 1) Quality of the participation: This criterion requires that a quality plan of social/recreational activities will be established for all residents. Achievement will be measured by reviewing a targeted sample of care plans, which will be selected as follows:

- A) The sample will consist of 10%, but no less than 10 residents and a maximum of 29 residents, unless fewer than 10 residents eligible for review live in the facility, in which case, all of them must be included in

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the sample. Residents to be targeted for this sample whenever possible are residents who the assessor judges are least likely to have quality plans, as gauged by the assessor's observation of their inactivity, tenure in the facility, unique activity needs or social/behavioral problems.

- B) A score is derived by determining that the facility has established a quality plan of social/recreational activities. Each of the following five attributes of the plan when scored will be weighted equally and achievement determined by identifying the average percent of these attributes present in the social/recreational plans which are reviewed. The plan must be:
 - i) related to resident interests and social ties, as expressed by the resident or family or friends of the resident;
 - ii) individualized, i.e., the plan differentiates activities for residents based on differences in needs, abilities and interests;
 - iii) related to and included in the comprehensive care plan;
 - iv) current, i.e., updated at least quarterly or more often as needs change (there must be evidence that goals are adjusted, as needed);
 - v) designed to provide opportunities for resident selection of own activities, (or family/guardian participation in the selection, as appropriate).

- 2) Level of Resident Participation: This criterion requires that residents are meaningfully engaged in accordance with approved care plans. Achievement will be measured by observing all

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residents at two distinct periods of peak activity during a day. Those times must be identified by the facility and may vary by day of the week.

- A) Level of achievement will be determined by identifying the percentage of residents meaningfully engaged at peak times. Those residents who are prohibited from being meaningfully involved, as documented by physician orders, are exempt from this assessment.
- B) The list of activities which constitute being meaningfully engaged include group activities, verbal interchange or personal interactions with other people, and individual or independent activities. It would not include aimless wandering, being unoccupied but awake in bed and staring into space.
- d) Community and Family Participation: Facilities must demonstrate high levels of community and family involvement in the facility and of resident involvement in the community. A facility must achieve both of the two criteria in order to receive the incentive payment for this standard.
 - 1) Level of Participation: The facility must demonstrate that residents are interacting with community representatives or engaged in community work an average of two hours per week per resident. This participation may involve volunteers or family in the facility or residents involved or volunteering in the community. Achievement will be measured by reviewing facility records which document the number of hours and types of hours in which residents are involved in the community or interacting with community visitors during individual months. Two months of the last six will be assessed.
 - A) Types of hours which must be documented in a log are:

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- i) Family contact, e.g., home visits or visits from relatives.
- ii) Volunteer one-on-one visits, personalized contact.
- iii) Group contact or presentations, e.g., choirs, speakers and luncheons.
- iv) Residents as volunteers.
- v) Residents outside of the facility (excluding home visits).
- vi) Other contacts.
- B) The level of contacts calculated to meet the standard has the following restrictions:
 - i) No more than 25% of the required contact hours; i.e., number of residents multiplied by 8.6 as stated in subsection (d)(1), may be family related.
 - ii) Each home visit will count as two contact hours unless the visit is less than two hours in which case, the actual number of hours is counted.
 - iii) No more than 10% of the required contact hours; i.e., number of residents multiplied by 8.6 as stated in subsection (d)(1), may be non-individualized, e.g., group presentations.
 - iv) Hours will not be counted for community visitors required to be in the facility (e.g., therapists and ombudsmen).
 - v) Hours spent outside of the facility in required programs will not be counted (e.g., day programming).

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- 2) Quality of Participation. Achievement will be measured by reviewing the types of contacts which the facility has documented. The last six months of records will be reviewed. Achievement will be determined by scoring the contacts according to eight criteria which will be weighted equally. A score of 0 through 6 will be assigned to each criterion, where 0 represents that the criterion is rarely present, 3 represents that criterion is sometimes present, and 6 represents that the criterion is consistently present. Level of achievement will be calculated by deriving points earned as a percentage of total points possible. If a criterion (item) in Quality of Participation is not applicable to a facility, the assessor will enter N/A (not applicable) opposite the criterion on the assessment instrument. The maximum score possible per criterion, 6, is multiplied by the number of criterion marked N/A. This score is deducted from the maximum score possible, 48, and the resulting score multiplied by the required percentage (70% or 80%) for the applicable eligibility period to determine the score needed. The eight criteria follow:

- A) Diversity in scope of programs, i.e., varied types of contacts and involvement allow most residents to benefit.
- B) Resident choice of programs, i.e., maximum opportunities for resident selection of types of contacts are available.
- C) Appropriateness of activities to residents' physical, emotional and intellectual needs, i.e., available contacts address resident limitations, and are appropriate to resident capabilities.
- D) Innovativeness, i.e., facility tries new approaches to increase ties to community.

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- E) Appropriate involvement of special populations, i.e., facility adapts programs to involve residents with special care needs.
- F) Maintenance of normal relationship of resident to his/her community.
- G) Appropriate mix of activities inside and outside of the facility, i.e., excursions are regularly scheduled.
- H) Appropriate level of physically active involvement, i.e., community/resident activities encourage active involvement as well as listening and observing.
- e) Resident Satisfaction: A sample of consumers of the facility's services, or family members or guardians, express a high level of satisfaction regarding aspects of the resident's life that the facility affects.
 - 1) The sample will consist of 10%, but no less than 10 residents and a maximum of 29 residents unless fewer than 10 residents eligible for review live in the facility, in which case, all of them must be included in the sample. Eligible residents are those residents with the ability to evaluate the criteria as reflected in the resident's comprehensive care plan or those residents who have representatives to respond in their behalf. Achievement will be measured by interviewing residents in regard to ten criteria. Family members or guardians may be interviewed when residents, as reflected in the comprehensive care plan, cannot comprehend or respond to an interview. The level of achievement will be determined by adding the total points earned in the aggregate and calculating the points earned as a percentage of points possible.
 - 2) For these residents, or their guardians as appropriate, each of the following ten (10) criteria will have the same maximum points. In addition, for each criterion, there will be five

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equally weighted choices of responses. Points will be assigned based on the degree to which the facility demonstrates the attribute, in the resident's opinion. The criteria for this quality incentive standard include the residents' (or their representatives):

- A) Sense of physical safety;
 - B) Perception of facility's cleanliness;
 - C) Satisfaction with quality of food experience;
 - D) Satisfaction with effectiveness and responsiveness of health care team;
 - E) Sense of resident being treated with dignity;
 - F) Resident retention of freedom of choice;
 - G) Belief that resident is being assisted to perform activities as independently as possible;
 - H) Sense of resident continuity with past experience, roles, and persons;
 - I) Satisfaction with interpersonal relations within the facility (e.g., resident has a confidant who is a staff member); and,
 - J) Feeling that resident privacy is respected.
- f) Effective Patient Care Management: There is a demonstrated emphasis on achievement of care plan goals and provision of intensive intervention programs in the facility. A facility may qualify for either component to receive half of the full incentive payment for the standard. To qualify for the full payment, the facility must meet the requirements for both components.
- 1) Achievement of care plan goals: A facility will meet this criterion by assisting residents to

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gain greater functional independence. The criterion requires that care plan goals are established for all residents. Achievement will be measured using a sample of residents as outlined in Section 140.526(c)(1)(A) of this Part. Achievement will be measured in terms of progress toward goals identified in the last six months. Level of achievement will be determined by calculating the points earned as a percentage of points possible. The IDPA assessor shall review care plans, approve care plan goals and compare resident functioning to care plan goals.

- A) Goals will be selected that are appropriate to the resident. At a minimum, two physiological, one psychological and one sociological goal must be selected.
 - B) A facility receives two (2) points for each of five goals achieved for each resident; one (1) point when movement toward the goal is made but the goal is not achieved; and zero (0) points when no movement is achieved.
- 2) Intensive intervention programs: A facility must implement intensive nursing and related programs appropriate to the resident population from the list of ten categories in Section 140.526(f)(2)(B) of this Part. For the June 1985, assessment, three programs are required. For assessments after July 1, 1985, four programs are required. The facility must identify the programs to be assessed, equal in number to the number of programs required. IDPA will assess whether the programs identified by the facility meet the qualifications in Section 140.526(f)(2)(A) and address the needs of the residents of the facility.
- A) The programs must be currently operating with:
 - i) defined program goals and patient-specific objectives;

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- ii) established treatment protocols and procedures or, for Advanced Nurse Aide Training, specific training outlines;
- iii) mechanisms for ongoing monitoring and evidence of progress notes and of modifications in procedures or outlines based on monitoring results;
- iv) established evaluation criteria and methodology; and
- v) a list of program participants and evidence of participation.

B)

Ten categories of intensive intervention programs have been identified. The intent of these programs must be to reduce disability and medical complications that result in great suffering and economic costs in the facility. The conditions targeted must be those which are: prevalent in the facility; accompanied by a high incidence of disability, suffering and costly care; and which are responsive to directed, intensive programs of intervention. The programs are:

- i) Intensive Skin Care Program;
- ii) Bowel and Bladder Program;
- iii) Accident Monitoring and Evaluation Program;
- iv) Contracture Prevention and Treatment Program;
- v) Behavior Problem Management Program;
- vi) Restorative Nursing Program;
- vii) Community Integration Program;
- viii) Discharge and Transfer Plan Program;

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- ix) Advanced Nurse Aide Training Program; and,
- x) Innovative Programs, Appropriate to the Needs of the Facility's Resident Population. Programming for residents with Alzheimer's Disease is a suitable choice under this category, in facilities having Alzheimer's populations.

C) Only one program for each category of programs listed above will qualify during the assessment, except that:

- i) Intermediate Care Facilities for the Developmentally Disabled and Skilled Pediatric Nursing Facilities may designate and qualify for two innovative programs.
- ii) Facilities may designate a second innovative program if that program is directed at a special resident population comprising at least 20% of the full census, or
- iii) Facilities may designate a second innovative program directed at residents with Acquired Immunodeficiency Syndrome (AIDS) or AIDS-Related Complex (ARC). Such a program could be developed in anticipation of admitting residents with AIDS to a facility. In the absence of AIDS residents, an AIDS intensive intervention program will qualify as one of the four required programs for one assessment. In subsequent eligibility periods, the facility must house at least one resident with AIDS in order for the AIDS intervention program to continue in a qualifying status.

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- iv) Facilities may designate two Advanced
Nurse Aide Programs. Those programs
must be based on progressive levels of
skill or difficulty.

(Source: Amended at 13 Ill. Reg. _____, effective _____)

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1) Heading of Part: County Supplementary Retailers' Occupation Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 600

3) Section Numbers:
600.101
600.105
600.110
600.115
600.120
600.125
600.130
600.135

Proposed Action:
New Section
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3)

5) A Complete Description of the Subjects and Issues Involved:
Regulation implementing the 1/4 percent County Supplementary Retailers' Occupation Tax, including such exemptions and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

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- A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989
- B) Types of small businesses affected: Retailers
- C) Reporting, bookkeeping or other procedures required for compliance: Same as currently required by the Retailers' Occupation Tax Act
- D) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED RULES
TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 600
COUNTY SUPPLEMENTARY RETAILERS' OCCUPATION TAX

Section	Nature and Rate of the County Supplementary Retailers' Occupation Tax
600.101	Exemptions from the County Supplementary Retailers' Occupation Tax
600.105	Registration and Returns
600.110	Claims to Recover Erroneously Paid Tax
600.115	Jurisdictional Questions
600.120	Incorporation of Retailers' Occupation Tax Regulations by Reference
600.125	Penalties, Interest and Procedures
600.130	Effective Date
600.135	

AUTHORITY: Implementing the County Supplementary Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a)) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at ___ Ill. Reg. ___, effective _____.

NOTE: Text all in capital letters denotes statutory language.

Section 600.101 Nature and Rate of the County Supplementary Retailers' Occupation Tax

a) Authority to Impose Tax

A county of less than 3,000,000 inhabitants is authorized to impose a tax upon all persons engaged in the business of selling tangible personal property at retail within the county (including incorporated and unincorporated areas of such county) at a rate of 1/4 of 1% of the gross receipts from such sales made in the course of such business within the county.

b) Passing on the Tax

The legal incidence of a County Supplementary Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their seller's County Supplementary Retailers' Occupation Tax liability by separately stating such tax as an additional charge, which charge

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may be stated in combination, in a single amount, with the State tax which sellers are required to collect under the Use Tax Act, and the additional charge authorized under the provisions of the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, County Water Commission Retailers' Occupation Tax and the Regional Transportation Authority Retailers' Occupation Tax or Metro-East Mass Transit District Retailers' Occupation Tax (where applicable) pursuant to such bracket schedules as the Department may prescribe. (See, Subpart D of the Use Tax Regulations, 86 Ill. Adm. Code 150.)

c) Exclusion from Gross Receipts

Any amount added to the selling price of tangible personal property by the seller because of a County Supplementary Retailers' Occupation Tax or because of the Illinois Retailers' Occupation Tax, Illinois Use Tax, Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, the Water Commission Tax, and the Regional Transportation Authority Retailers' Occupation Tax or Metro-East Mass Transit District Retailers' Occupation Tax (where applicable), and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such County Supplementary Retailers' Occupation Tax.

d) Ordinance or Resolution Adopting Tax

1) A county imposing or discontinuing the County Supplementary Retailers' Occupation Tax shall pass and approve an ordinance or resolution adopting or repealing such tax. A certified copy thereof shall be filed with the Department on or before the first day of April of the year of application. The Department shall proceed to administer and enforce such tax on behalf of the county as of the first day of July immediately following the adoption and filing of the ordinance by the county.

2) Any ordinance or resolution filed after the April 1st deadline of any year will be administered and enforced on behalf of the county by the Department on the first day of July of the year immediately following the year in which the ordinance or resolution was filed with the Department. (Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a)).

Section 600.105 Exemptions from the County Supplementary Retailers' Occupation Tax

a) Exemptions Similar to the Retailers' Occupation Tax

Generally, the County Supplementary Retailers' Occupation Tax contains the same exemptions as found in the Retailers' Occupation Tax

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Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440, et seq.). However, those exemptions from the Retailers' Occupation Tax that are not located in Section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 441) are not applicable to the County Supplementary Retailers' Occupation Tax.

Specifically, the County Supplementary Retailers' Occupation Tax is imposed on oil field exploration, drilling and production equipment; coal exploration, mining, off highway hauling, processing, maintenance and reclamation; and the expanded pollution control facilities and manufacturing machinery and equipment exemptions for businesses located within an enterprise zone that are exempt from the Retailers' Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, pars. 440d, 440e and 441).

b) Examples of Exemptions from County Supplementary Retailers' Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use are not subject to the County Supplementary Retailers' Occupation Tax even though the sale of such tangible personal property by a retailer is subject to the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax and the Metro-East Retailers' Occupation Tax or Regional Transportation Authority Retailers' Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 130.310, Subpart B.

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production, is exempt from County Supplementary Retailers' Occupation Tax even though municipalities, mass transit districts (where applicable) and counties, when imposing the County Retailers' Occupation Tax in unincorporated areas of the county, can reimpose such taxes, respectively. This is also true for such sales by a retailer of tangible personal property to a common carrier by rail which transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or retailer is prohibited by Federal law from charging the tax to the purchaser.

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Section 600.110 Registration and Returns

- a) Separate Registration not Required

A retailer's registration under the Illinois Retailers' Occupation Tax Act is sufficient for the County Supplementary Retailers' Occupation Tax. No special registration for the County Supplementary Retailers' Occupation Tax is required.

- b) Requirements as to Returns

1) Every retailer must file a return each month for each county which has a County Supplementary Retailers' Occupation Tax in effect that month if the retailer is engaged in the business of selling tangible personal property at retail within that district: provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns quarterly, his County Supplementary Retailers' Occupation Tax returns shall also be filed quarterly; and provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns annually, his County Supplementary Retailers' Occupation Tax returns shall also be filed annually. However, the information required for the County Supplementary Retailers' Occupation Taxes may be furnished on the retailer's Illinois Retailers' Occupation Tax return form in the additional space that is provided on that form for reporting County Supplementary Retailers' Occupation Tax information.

2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report County Supplementary Retailers' Occupation Tax information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report County Supplementary Retailers' Occupation Tax information in his returns on the gross sales basis.

3) Retailers required to make payment on the 7th, 15th, 22nd and last day of the month during which liability is incurred as provided in Section 3 of the Retailers' Occupation Tax Act, are not required to make such quarter-monthly payments of County Supplementary Retailers' Occupation Tax.

- c) Deduction for Collecting County Supplementary Retailers' Occupation Tax

The 2.1% deduction from the tax allowed to retailers when remitting Illinois Retailers' Occupation Tax or Use Tax with a duly filed return is also available for the County Supplementary Retailers'

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Occupation Tax, if duly filed. (See Ill. Rev. Stat. 1987, ch. 34, par. 409.1(a) and ch. 120, par. 442.)

Section 600.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference

The provisions of Subpart O of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) shall apply to the extent specified in Section 600.125 of this Part.

- b) Separate Claim Required for Each Tax

If the claimant files a claim for some State, some Municipal or County Retailers' Occupation Tax, some Metro-East Mass Transit District or Regional Transportation Authority Retailers' Occupation Tax (RTA), some Water Commission Retailers' Occupation Tax and some County Supplementary Retailers' Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, the amount of the State tax, the amount of the Municipal or County Retailers' Occupation Tax, some Metro-East Mass Transit District or Regional Transportation Authority Retailers' Occupation Tax (RTA), some Water Commission Retailers' Occupation Tax and some County Supplementary Retailers' Occupation Tax, or the amount of County Supplementary Retailers' Occupation Tax must be claimed separately, and separate credit memoranda will be issued if such claims are approved.

- c) Use of Credit Memoranda

Since County Supplementary Retailers' Occupation Tax is separate from every other municipality's or county's Retailers' Occupation Tax, any given credit memorandum for the erroneous payment of a County Supplementary Retailers' Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Supplementary Retailers' Occupation Tax liability (County Supplementary Retailers' Occupation Tax or County Supplementary Service Occupation Tax), due to such county.

- d) Prohibition Against Unjust Enrichment

A claim for County Supplementary Retailers' Occupation Tax cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Supplementary Retailers' Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer.

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e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Retailers' Occupation Tax fund.

Section 600.120 Jurisdictional Questions

a) Mere Solicitation of Orders Not Doing Business

1) For a seller to incur County Supplementary Retailers' Occupation Tax liability in the county which imposes such tax, the sale must be made in the course of such seller's engaging in the retail business within such county. In other words, enough of the selling activity must occur within such county to justify concluding that the seller is engaged in business within such county with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

b) Seller's Acceptance of Order

1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the county which imposes the County Supplementary Retailers' Occupation Tax or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of Sections (f) and (g) of this Regulation, or if a

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purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within such county or by someone working out of such place of business, the seller incurs County Supplementary Retailers' Occupation Tax liability in such county if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

3) Regardless of the place at which the purchase order is accepted, where tangible personal property is located within the county which imposes such tax at the time of its sale (or is subsequently produced in such county) then delivered in Illinois to the purchaser, and no county outside such county in this State would receive or would have the power to impose a County Supplementary Retailers' Occupation Tax with respect to such sale, the seller will be considered to be engaged in business in such county for County Supplementary Retailers' Occupation Tax purposes with respect to such sale.

c) Some Considerations Which are Not Controlling

1) Delivery of the property within a county to the purchaser is not necessary for the seller to incur County Supplementary Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for inter-county commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the county for the seller to be regarded as being engaged in the business of selling within the county with respect to that sale.

2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Supplementary Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the county" in Section 25.05-2a of the County Supplementary Retailers' Occupation Tax Act refers only to the location of the occupation of selling that is being taxed and not to the place where sales may be made.

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d) Place of Business Where Long Term or Blanket Contracts are Involved

Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for County Supplementary Retailers' Occupation Tax purposes with respect to such orders.

e) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

f) Sales From Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made--the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

g) Sales of Coal or Other Minerals

1) For the purpose of determining whether the County Supplementary Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.

2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., as a sale in interstate commerce). This exemption does not extend, however, to sales to railroads or other carriers for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it over its own line to an out-of-State destination.

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- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the County Supplementary Retailers' Occupation Tax on the sale will be applicable if the retailer is located in the county which imposes the County Supplementary Retailers' Occupation Tax.

Section 600.125 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130), (whether characterized as Rules, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart E as it pertains to the deduction for collecting tax, Subpart O as it pertains to use of a credit memorandum to discharge any State or municipal tax liability, are incorporated herein by reference and made a part hereof.

Section 600.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 25.05-2a of the County Supplementary Retailers' Occupation Tax Act as under the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.).

Section 600.135 Effective Date

- a) When a given County Supplementary Retailers' Occupation Tax goes into effect, it applies to sales made in the course of the seller's engaging in the business of selling tangible personal property at retail within the taxing county as of the first day of July after a county's ordinance or resolution imposing the County Supplementary Retailers' Occupation Tax has been adopted and a certified copy filed with the Department. However, in order for a county to impose or discontinue the County Supplementary Retailers' Occupation Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the County Supplementary Retailers' Occupation Tax shall become effective the first day of July of the year immediately following the adoption and filing of

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the ordinance or resolution. For this purpose, the date of the sale is deemed to be the date of the delivery of the property. If delivery occurs after the effective date, in a transaction in which receipts were received before the effective date and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of the Retailers' Occupation Tax Regulations, no County Supplementary Retailers' Occupation Tax will be due because of the delivery of the property occurring after the effective date.

b) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effective date of a tax rate increase at the rate which was in effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, identifying the construction contract in question by its date and by naming the contractor's construction work involved, and by giving the location of the job site where the construction contract is being performed or is to be performed.

c) The same rule applies when determining the effective date of an increase in the rate of a Municipal or County Retailers' Occupation Tax.

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1) Heading of Part: County Supplementary Service Occupation Tax Regulations
2) Code Citation: 86 Ill. Adm. Code 610

3) <u>Section Numbers:</u>	<u>Proposed Action:</u>
610.101	New Section
610.105	New Section
610.110	New Section
610.115	New Section
610.120	New Section
610.125	New Section
610.130	New Section
610.135	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.2(a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3)

5) A Complete Description of the Subjects and Issues Involved: Regulations implementing the 1/4 percent County Supplementary Service Occupation Tax, including such exemptions and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

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A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

B) Types of small businesses affected: Retailers

C) Reporting, bookkeeping or other procedures required for compliance: Same as currently required by the Retailers' Occupation Tax Act

D) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 610

COUNTY SUPPLEMENTARY SERVICE OCCUPATION TAX

Section
610.101 Nature and Rate of the County Supplementary Service Occupation Tax
610.105 Exemptions from the County Supplementary Service Occupation Tax
610.110 Registration and Returns
610.115 Claims to Recover Erroneously Paid Tax
610.120 Jurisdictional Questions
610.125 Incorporation of Service Occupation Tax Regulations by Reference
610.130 Penalties, Interest and Procedures
610.135 Effective Date

AUTHORITY: Implementing the County Supplementary Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.2(a)) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at ___ Ill. Reg. ___, effective _____

NOTE: Text in all capital letters denotes statutory language.

Section 610.101 Nature and Rate of the County Supplementary Service Occupation Tax

a) Authority to Impose The Tax

A county of less than 3,000,000 inhabitants is authorized to impose a tax upon all persons engaged in the business of making sales of service at the rate of 1/4 of 1% of the cost price of tangible personal property transferred by such servicemen or persons either in the form of tangible personal property or in the form of real estate as an incident to a sale of service.

b) Passing on the Tax

Suppliers of servicemen are required to collect the County Supplementary Service Occupation Tax (when applicable) from purchasing servicemen except when they can appropriately assume the accountability for self-assessing the tax under Subpart M of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the County Supplementary Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 34, par. 409.2(a)) is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to

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this tax to reimburse themselves for their serviceman's County Supplementary Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.), pursuant to such bracket schedules as the Department may prescribe.

c) Exclusion from "Cost Prices"

Any amount added by a supplier to the cost price of tangible personal property sold to a serviceman for retransfer as an incident to service because of the County Supplementary Retailers' Occupation Tax or because of the Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.), and reimbursing amounts collected pursuant to the Municipal Service Occupation Tax or County Service Occupation Tax, the Water Commission Service Occupation Tax and the Regional Transportation Authority Service Occupation Tax or Metro-East Mass Transit District Service Occupation Tax (where applicable) and collected from the purchasing serviceman, shall not be regarded as a part of the cost prices which are subject to such County Supplementary Service Occupation Tax.

d) Ordinance or Resolution Adopting Tax

1) A county imposing or discontinuing the County Supplementary Service Occupation Tax shall pass and approve an ordinance or resolution adopting or repealing such tax. A certified copy thereof shall be filed with the Department on or before the first day of April of the year of application. The Department shall proceed to administer and enforce such tax on behalf of the county as of the first day of July immediately following the adoption and filing of the ordinance or resolution by the county.

2) Any ordinance or resolution filed after the April 1st deadline of any year will be administered and enforced on behalf of the county by the Department on the first day of July of the year immediately following the year in which the ordinance or resolution was filed with the Department. (Ill. Rev. Stat. 1987, ch. 34, par. 409.2(a)).

Section 610.105 Exemptions from the County Supplementary Service Occupation Tax

a) Exemptions Similar to Service Occupation Tax

1) Generally, the County Supplementary Service Occupation Tax

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contains the same exemptions found in the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.). However, those exemptions from the Service Occupation Tax that are not located in Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.103) are not applicable to the County Supplementary Service Occupation Tax.

2) Specifically, the County Supplementary Service Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Service Occupation Tax at a rate of 0% (Ill. Rev. Stat. 1987, ch. 120, par. 439.103); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Service Occupation Tax pursuant to Sections 1(d) and 1(e) of the Retailers' Occupation Tax Act that are incorporated into the Service Occupation Tax Act by reference. (See Ill. Rev. Stat. 1987, ch. 120, par. 439.112.)

b) Examples of Exemptions from the County Supplementary Service Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use are not subject to the County Supplementary Service Occupation Tax on the transfer of tangible personal property as an incident to a sale of service even though the sale of such tangible personal property by a serviceman is subject to the Municipal Service Occupation Tax or County Service Occupation Tax and the Metro-East Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 140.101, Subpart A.

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from County Supplementary Service Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Service Occupation Tax in unincorporated areas of the county can reimpose such

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taxes, respectively. This is also true for such sales by a serviceman who transfers tangible personal property incidental to providing a service to a common carrier by rail which transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or serviceman is prohibited by Federal law from charging the tax to the purchaser.

Section 610.110 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act or the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) is sufficient for the purposes of Section 25.05-3(a) of the County Supplementary Service Occupation Tax. No special registration for the County Supplementary Service Occupation Tax is required.
- b) Every taxpayer must file a return each month for each county which has a County Supplementary Service Occupation Tax. However, the information required for the County Supplementary Service Occupation Taxes may be furnished on the taxpayer's Service Occupation Tax return form in the additional space that is provided on that form for reporting the County Supplementary Service Occupation Tax information.

Section 610.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference
The provisions of Subpart N of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140) shall apply to the extent specified in Section 610.125 of this Part.
- b) Separate Claim Required for Each Tax
If the claimant files a claim for some State, some County and some Municipal Service Occupation Tax, some Metro-East Mass Transit District Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, some Water Commission Retailers' Occupation Tax and some County Supplementary Service Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, separate credit memoranda will be issued if such claims are approved.
- c) Use of Credit Memoranda

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Any given credit memorandum for the erroneous payment of County Supplementary Service Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Supplementary Service Occupation or County Supplementary Retailers' Occupation Tax due.

- d) Prohibition Against Unjust Enrichment

A claim for a County Supplementary Service Occupation Tax cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Supplementary Service Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer. The incorporation of Section 17 of the Service Occupation Tax into Section 25.05-3(a) of the County Supplementary Service Occupation Tax Act by reference carries with it the principle against unjust enrichment provided for with respect to the Service Occupation Tax when a claim for credit of that kind of tax is disposed of in accordance with Section 17 of the Service Occupation Tax Act.

- e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department will notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Retailers' Occupation Tax fund.

Section 610.120 Jurisdictional Questions

- a) If the Service Occupation Tax is collected on the transaction by the supplier from the purchasing serviceman for remittance to the Department by such supplier, the supplier shall also collect and remit County Supplementary Service Occupation Tax on the transaction if the supplier's place of business is located in the county and such County Supplementary Service Occupation Tax rate shall be determined by the supplier's county.
- b) If the Service Occupation Tax on a transaction is being remitted directly to the Department by the serviceman rather than by a supplier, the serviceman shall also pay County Supplementary Service Occupation Tax to the Department on the same transaction if such

serviceman's place of business is located in a county that imposes the County Supplementary Service Occupation Tax. This is true whether the serviceman bought the property in Illinois or outside Illinois.

Section 610.125 Incorporation of Service Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140), (whether characterized as Regulations, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart D as it pertains to the deduction for collecting tax, Subpart N as it pertains to the use of a credit memorandum to discharge State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 610.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 25.05-3(a) of the County Supplementary Service Occupation Tax Act as under the Service Occupation Tax Act.

Section 610.135 Effective Date

When a given County Supplementary Service Occupation Tax goes into effect, it applies to sales of service made in the course of the serviceman's engaging in the business of selling services within the taxing county as of the first day of July after a county's ordinance or resolution imposing the County Supplementary Service Occupation Tax has been adopted and a certified copy filed with the Department. However, in order for a county to impose or discontinue the County Supplementary Service Occupation Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the County Supplementary Service Occupation Tax shall become effective the first day of July of the year immediately following the adoption and filing of the ordinance or resolution.

1) Heading of Part: County Supplementary Use Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 620

3) Section Numbers:
620.101 New Section
620.105 New Section
620.110 New Section
620.115 New Section
620.120 New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3)

5) A Complete Description of the Subjects and Issues Involved: Regulations implementing the 1/4 percent County Supplementary Use Tax, including such exemptions, and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes X No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

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B) Types of small businesses affected: RetailersC) Reporting, bookkeeping or other procedures required for compliance:
Same as currently required by the Retailers' Occupation Tax ActD) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 620

COUNTY SUPPLEMENTARY USE TAX

Section 620.101	Nature and Rate of the County Supplementary Use Tax
620.105	Items Covered
620.110	Incorporation of Use Tax Regulations by Reference
620.115	Penalties, Interest and Procedures
620.120	Effective Date

AUTHORITY: Implementing the County Supplementary Use Tax Act (Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a)) and authorized by Section 39D3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at ____ Ill. Reg., _____, effective _____.

NOTE: Text all in capital letters denotes statutory language.

Section 620.101 Nature and Rate of the County Supplementary Use Tax

THE COUNTY BOARD OF A COUNTY WITH LESS THAN 3,000,000 INHABITANTS MAY IMPOSE A TAX UPON THE PRIVILEGE OF USING IN SUCH COUNTY, ANY ITEM OF TANGIBLE PERSONAL PROPERTY WHICH IS PURCHASED OUTSIDE ILLINOIS AT RETAIL FROM A RETAILER, AND WHICH IS TITLED OR REGISTERED WITH AN AGENCY OF THIS STATE'S GOVERNMENT, AT A RATE OF 1/4 OF 1% OF THE SELLING PRICE OF SUCH TANGIBLE PERSONAL PROPERTY, AS "SELLING PRICE" IS DEFINED IN THE "USE TAX ACT", APPROVED JULY 14, 1955, AS AMENDED. SUCH TAX SHALL BE COLLECTED FROM PERSONS WHOSE ILLINOIS ADDRESS FOR TITLING OR REGISTRATION PURPOSES IS GIVEN AS BEING IN THE AREA OF SUCH COUNTY. SUCH TAX SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE, HEREINAFTER REFERRED TO AS THE DEPARTMENT, FOR ANY COUNTY IMPOSING SUCH TAX. SUCH TAX MUST BE PAID TO THE STATE, OR AN EXEMPTION DETERMINATION MUST BE OBTAINED FROM THE DEPARTMENT, BEFORE THE TITLE OR CERTIFICATE OF REGISTRATION FOR THE PROPERTY MAY BE ISSUED. THE TAX OR PROOF OF EXEMPTION MAY BE TRANSMITTED TO THE DEPARTMENT BY WAY OF THE STATE AGENCY WITH WHICH, OR STATE OFFICER WITH WHOM, THE TANGIBLE PERSONAL PROPERTY MUST BE TITLED OR REGISTERED IF THE DEPARTMENT AND SUCH AGENCY OR STATE OFFICER DETERMINE THAT THIS PROCEDURE WILL EXPEDITE THE PROCESSING OF APPLICATIONS FOR TITLE OR REGISTRATION. (Ill. Rev. Stat. 1987, ch. 34, par. 409.10(a).)

Section 620.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and

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implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Regulation:

- a) The term "motor vehicle" includes passenger cars, trucks, buses, motorcycles and any kind of vehicle which is required to be titled under the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-146), (including house trailers for which a display certificate of title is required).
- b) The term "implement of husbandry" means:

EVERY VEHICLE DESIGNED AND ADAPTED EXCLUSIVELY FOR AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK RAISING OPERATIONS, INCLUDING FARM WAGONS, WAGON TRAILERS OR LIKE VEHICLES USED IN CONNECTION THEREWITH, OR FOR LIFTING OR CARRYING AN IMPLEMENT OF HUSBANDRY PROVIDED THAT NO FARM WAGON, WAGON TRAILER OR LIKE VEHICLE HAVING A GROSS WEIGHT OF MORE THAN 36,000 POUNDS, SHALL BE INCLUDED HEREUNDER. (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-130.)
- c) The term "special mobile equipment" means:

EVERY VEHICLE NOT DESIGNED OR USED PRIMARILY FOR THE TRANSPORTATION OF PERSONS OR PROPERTY AND ONLY INCIDENTALLY OPERATED OR MOVED OVER A HIGHWAY, INCLUDING BUT NOT LIMITED TO: DITCH DIGGING APPARATUS, WELL BORING APPARATUS AND ROAD CONSTRUCTION AND MAINTENANCE MACHINERY SUCH AS ASPHALT SPREADERS, BITUMINOUS MIXERS, BUCKET LOADERS, TRACTORS OTHER THAN TRUCK TRACTORS, DITCHES, LEVELLING GRADERS, FINISHING MACHINES, MOTOR GRADERS, ROAD ROLLERS, SCARIFIERS, EARTH MOVING CARRIALLS AND SCRAPPERS, POWER SHOVELS AND DRAG LINES, AND SELF-PROPELLED CRANES AND EARTH MOVING EQUIPMENT. THE TERM DOES NOT INCLUDE HOUSE TRAILERS, DUMP TRUCKS, TRUCK MOUNTED TRANSIT MIXERS, CRANES OR SHOVELS, OR OTHER VEHICLES DESIGNED FOR THE TRANSPORTATION OF PERSONS OR PROPERTY TO WHICH MACHINERY HAS BEEN ATTACHED. (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-191.)

Section 620.110 Incorporation of Use Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Use Tax Regulations (86 Ill. Adm. Code 150), (whether characterized as Rules, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to subject matter and rate; Subpart G as it pertains to registration of out-of-State retailers; Subpart H as it pertains to deduction for collecting tax; Subpart M as it pertains to retailers and the use of a credit memorandum to discharge State or municipal tax liabilities, are incorporated herein by reference and made a part hereof.

Section 620.115 Penalties, Interest and Procedures

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NOTICE OF PROPOSED RULES

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, the filing, processing and disposition of claims, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 25.05-10(a) of the County Supplementary Use Tax Act as under the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.).

Section 620.120 Effective Date

When a given County Supplementary Use Tax goes into effect, it applies to purchases made as of the first day of July after such county's ordinance or resolution imposing the County Supplementary Use Tax has been adopted and a certified copy filed with the Department.

However, in order for a county to impose or discontinue the County Supplementary Use Tax in the same year that the ordinance or resolution imposing or discontinuing the tax was adopted and filed with the Department, the ordinance or resolution must be adopted and filed before April 1st of that year. If the ordinance or resolution is adopted and filed after April 1st of any year by a county, the Supplementary Use Tax shall become effective the first day of July of the year immediately following the adoption and filing of the ordinance or resolution.

For this purpose, the date of the purchase is deemed to be the date of delivery of the property to the purchaser.

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NOTICE OF PROPOSED RULES

1) Heading of Part: County Water Commission Retailers' Occupation Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 630

3) Section Numbers:

630.101	Proposed Action:
630.105	New Section
630.110	New Section
630.115	New Section
630.120	New Section
630.125	New Section
630.130	New Section
630.135	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 2/3, par. 253

5) A Complete Description of the Subjects and Issues Involved:
Regulations implementing the 1/4 percent County Water Commission Retailer's Occupation Tax, including such exemptions and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

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A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

B) Types of small businesses affected: Retailers

C) Reporting, bookkeeping or other procedures required for compliance:
Same as currently required by the Retailers' Occupation Tax Act

D) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUEPART 630
COUNTY WATER COMMISSION RETAILERS' OCCUPATION TAX

Section

- 630.101 Nature and Rate of the County Water Commission Retailers' Occupation Tax
- 630.105 Exemptions from the County Water Commission Retailers' Occupation Tax
- 630.110 Registration and Returns
- 630.115 Claims to Recover Erroneously Paid Tax
- 630.120 Jurisdictional Questions
- 630.125 Incorporation of Retailers' Occupation Tax Regulations by Reference
- 630.130 Penalties, Interest and Procedures
- 630.135 Effective Date

AUTHORITY: Implementing the County Water Commission Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 253) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at ____ Ill. Reg. ____, effective ____.

NOTE: Text all in capital letters denotes statutory language.

Section 630.101 Nature and Rate of the County Water Commission Retailers' Occupation Tax

a) Authority to Impose Tax

The Board of Commissioners of a County Water Commission is authorized to impose a County Water Commission Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail in the territory of the Commission as defined in Section 2 of the Water Commission Act of 1985 (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 252), at a rate not to exceed 1/4% of the gross receipts from such sales made in the course of such business within the territory. Presently, the County Water Commission Retailers' Occupation Tax is only imposed by the DuPage Water Commission and no other Commission has the authority.

b) Passing on the Tax

The legal incidence of the County Water Commission Retailers' Occupation Tax is on the seller. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for

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their seller's County Water Commission Retailers' Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the State tax which sellers are required to collect under the Use Tax Act and the additional charge authorized under the provisions of the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, the Regional Transportation Authority Retailers' Occupation Tax and the County Supplementary Retailers' Occupation Tax pursuant to such bracket schedules as the Department may prescribe. (See 86 Ill. Adm. Code 150, Subpart D of the Use Tax Regulations.)

c) Exclusion from Gross Receipts

Any amount added to the selling price of tangible personal property by the seller because of the Retailers' Occupation Tax, Use Tax, Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax, the Regional Transportation Authority Retailers' Occupation Tax and the County Supplementary Retailers' Occupation Tax and collected from the purchaser, shall not be regarded as a part of the seller's gross receipts that are subject to such County Water Commission Retailers' Occupation Tax.

d) Ordinance Imposing Tax

ANY ORDINANCE IMPOSING a County Water Commission Retailers' Occupation Tax OR EFFECTING A CHANGE IN THE RATE THEREOF SHALL BE EFFECTIVE ON THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE PUBLICATION OF SUCH ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TERRITORY AND THE FILING OF A CERTIFIED COPY OF SUCH ORDINANCE WITH THE STATE DEPARTMENT OF REVENUE, WHEREUPON THE DEPARTMENT OF REVENUE SHALL PROCEED TO ADMINISTER AND ENFORCE THE County Water Commission Retailers' Occupation Tax (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254) ON BEHALF OF THE COUNTY WATER COMMISSION AS OF THE EFFECTIVE DATE OF THE ORDINANCE.

Section 630.105 Exemptions from the County Water Commission Retailers' Occupation Tax

a) Exemptions Similar to the Retailers' Occupation Tax

Generally, the County Water Commission Retailers' Occupation Tax contains the same exemptions as found in the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 440 et seq.) However, those exemptions from the Retailers' Occupation Tax that are not located in Section 2 of the Retailers' Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, par. 441) are not applicable to the County Water Commission Retailers' Occupation Tax. Specifically, the

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County Water Commission Retailers' Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Retailers' Occupation Tax at a rate of 0% (Ill. Rev. Stat. 1987, ch. 120, par. 441); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Retailers' Occupation Tax pursuant to Sections 1(d) and 1(e) of such Act. (See Ill. Rev. Stat. 1987, ch. 120, par. 440(d) and 440(e).)

- b) Examples of Exemptions from County Water Commission Retailers' Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics for human use are not subject to the County Water Commission Retailers' Occupation Tax even though the sale of such tangible personal property by a retailer is subject to the Municipal Retailers' Occupation Tax or County Retailers' Occupation Tax and the Metro-East Retailers' Occupation Tax or Regional Transportation Authority Retailers' Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 130.310.

2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from the County Water Commission Retailers' Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Retailers' Occupation Tax in unincorporated areas of the county can reimpose such taxes, respectively. This is also true for such sales by a retailer of tangible personal property to a common carrier by rail who transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing the seller or shipper as consignor and the sale of any petroleum products to a purchaser if the seller or retailer is prohibited by Federal law from charging the tax to the purchaser.

Section 630.110 Registration and Returns

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- a) Separate Registration not Required

A retailer's registration under the Illinois Retailers' Occupation Tax Act is sufficient for the County Water Commission Retailers' Occupation Tax. No special registration for County Water Commission Retailers' Occupation Tax is required.

- b) Requirements as to Returns

1) Every retailer must file a return each month if the retailer is engaged in the business of selling tangible personal property at retail in the territory of the Commission and such County Water Commission Retailers' Occupation Tax was in effect that month: Provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns quarterly, his County Water Commission Retailers' Occupation Tax returns shall also be filed quarterly; and provided that if the retailer is permitted to file his Illinois Retailers' Occupation Tax returns annually, his County Water Commission Retailers' Occupation Tax returns shall also be filed annually. However, the information required for the County Water Commission Retailers' Occupation Tax may be furnished on the retailer's Illinois Retailers' Occupation Tax return form in the additional space that is provided on that form for reporting County Water Commission Retailers' Occupation Tax information.

2) If the retailer files his Illinois Retailers' Occupation Tax returns on the gross receipts basis, he must report County Water Commission Retailers' Occupation Tax information in his returns on the same basis. If the retailer files his Illinois Retailers' Occupation Tax returns on the gross sales basis, he must report County Water Commission Retailers' Occupation Tax information in his returns on the gross sales basis.

3) Retailers required to make payment on the 7th, 15th, 22nd and last day of the month during which liability is incurred as provided in Section 3 of the Retailers' Occupation Tax Act, are not required to make such quarter-monthly payments of County Water Commission Retailers' Occupation Tax.

- c) Deduction for Collecting Tax not Allowed to Retailer Against County Water Commission Retailers' Occupation Tax Liability

The deduction from the tax allowed to retailers when remitting Illinois Retailers' Occupation Tax or Use Tax with a duly filed return is not available for County Water Commission Retailers' Occupation Tax purposes, so the retailer (in remitting County Water Commission Retailers' Occupation Tax to the Department) should not take any

deduction from it for the cost of handling and reporting the tax or because of any other cost.

Section 630.115 Claims to Recover Erroneously Paid Tax

a) Incorporation by Reference

The provisions of Subpart O of the Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130) shall apply to the extent specified in Section 630.125 of this Part.

b) Separate Claim Required for Each Tax

If the claimant files a claim for some State, some Municipal or County Retailers' Occupation Tax, some Regional Transportation Authority Retailers' Occupation Tax, some County Supplementary Retailers' Occupation Tax and some County Water Commission Retailers' Occupation Tax, paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, the amount of the State tax, the amount of the Municipal or County Retailers' Occupation Tax, some amount of the Regional Transportation Authority Retailers' Occupation Tax, some County Supplementary Retailers' Occupation Tax and some County Water Commission Retailers' Occupation Tax, or the amount of County Water Commission Retailers' Occupation Tax must be claimed separately, and separate credit memoranda will be issued if such claims are approved.

c) Use of Credit Memoranda

Since County Water Commission Retailers' Occupation Tax is separate from every other municipality's or county's Retailers' Occupation Tax, any given credit memorandum for the erroneous payment of a County Water Commission Retailers' Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Water Commission Tax liability (County Water Commission Retailers' Occupation Tax or County Water Commission Service Occupation Tax), due such county.

d) Prohibition Against Unjust Enrichment

A claim for County Water Commission Retailers' Occupation Tax cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Water Commission Retailers' Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer.

e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department shall notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Water Commission Tax Fund.

Section 630.120 Jurisdictional Questions

a) Mere Solicitation of Orders not Doing Business

1) For a seller to incur County Water Commission Retailers' Occupation Tax liability in the territory of the Commission, the sale must be made in the course of such seller's engaging in the retail business within such territory. In other words, enough of the selling activity must occur within such territory to justify concluding that the seller is engaged in business within such territory with respect to that sale.

2) For example, the Supreme Court has held the mere solicitation and receipt of orders within a taxing jurisdiction (the State), where such orders were subject to acceptance outside the taxing jurisdiction and title passed outside such jurisdiction, with the goods being shipped from outside such jurisdiction to the purchaser in such jurisdiction, did not constitute engaging in the business of selling within such jurisdiction. This conclusion was reached independently of any question of interstate commerce and so would apply to a county or territory of the Commission as the taxing jurisdiction as much as to the State as the taxing jurisdiction.

b) Seller's Acceptance of Order

1) Without attempting to anticipate every kind of fact situation that may arise in this connection, it is the Department's opinion, in general, that the seller's acceptance of the purchase order or other contracting action in the making of the sales contract is the most important single factor in the occupation of selling. If the purchase order is accepted at the seller's place of business within the territory of the Commission which imposes the County Water Commission Retailers' Occupation Tax or by someone who is working out of such place of business and who does not conduct the business of selling elsewhere within the meaning of Sections (f) and (g) of this

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Regulation, or if a purchase order which is an acceptance of the seller's complete and unconditional offer to sell is received by the seller's place of business within such territory or by someone working out of such place of business, the seller incurs County Water Commission Retailers' Occupation Tax liability in such territory if the sale is at retail and the purchaser receives the physical possession of the property in Illinois.

2) The Department will assume that the seller has accepted the purchase order at the place of business at which the seller receives such purchase order from the purchaser in the absence of clear proof to the contrary.

3) Regardless of the place at which the purchase order is accepted, where tangible personal property is located within such territory at the time of its sale (or is subsequently produced in the territory) then delivered in Illinois to the purchaser, and no municipality or county outside such territory where the tangible personal property is located in this State would receive or would have the power to impose a County Water Commission Retailers' Occupation Tax with respect to such sale, the seller will be considered to be engaged in business in such territory for County Water Commission Retailers' Occupation Tax purposes with respect to such sale.

c) Some Considerations Which are not Controlling

1) Delivery of the property within the territory to the purchaser is not necessary for the seller to incur County Water Commission Retailers' Occupation Tax liability. It is sufficient that the purchaser receives the physical possession of the property somewhere in Illinois as far as the question of delivery is concerned. This is true because there is no exemption for intercity commerce comparable to the exemption arising from interstate commerce, and it is not necessary for delivery to be completed within the territory for the seller to be regarded as being engaged in the business of selling within the territory with respect to that sale.

2) The point at which the tangible personal property will be used or consumed and the place at which the purchaser resides are also immaterial in determining whether or not the seller incurs County Water Commission Retailers' Occupation Tax liability. Furthermore, the place at which the technical sale occurs (i.e., the place at which title passes) is not a decisive consideration since the phrase "in the territory" in Section 4 of the Water Commission Act of 1985 refers only to the location

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of the occupation of selling that is being taxed and not to the place where sales may be made.

d) Place of Business Where Long Term or Blanket Contracts are Involved

Under a long term blanket or master contract which (though definite as to price and quantity) must be implemented by the purchaser's placing of specific orders when goods are wanted, the seller's place of business with which such subsequent specific orders are placed (rather than the place where the seller signed the master contract) will determine where the seller is engaged in business for County Water Commission Retailers' Occupation Tax purposes with respect to such orders.

e) Sales Through Vending Machines

The seller's place of engaging in business when making sales through a vending machine is the place where the vending machine is located when such sales are made.

f) Sales From Vehicles Carrying Uncommitted Stock of Goods

The seller's place of engaging in business when making sales and deliveries (not just deliveries pursuant to previously accepted orders, but actual sales and deliveries) from a vehicle in which a stock of goods is being carried for sale is the place at which such sales and deliveries happen to be made--the vehicle carrying such stock of goods for sale being regarded as a portable place of business.

g) Sales of Coal or Other Minerals

1) For the purpose of determining whether the County Water Commission Retailers' Occupation Tax is applicable for a retail sale by a producer of coal or other mineral mined in Illinois, the sale is a sale at retail at the place where the coal or other mineral mined in Illinois is extracted from the earth.

2) A retail sale is a sale to a user, such as a railroad, public utility or other industrial company for use. "Mineral" includes not only coal, but also oil, sand, stone taken from a quarry, gravel and any other thing commonly regarded as a mineral and extracted from the earth.

3) A mineral mined in Illinois, but shipped out of Illinois by the seller for use outside Illinois, will generally be tax exempt under the Commerce Clause of the Federal Constitution (i.e., a sale in interstate commerce). This exemption does not extend,

however, to sales to railroads or other carriers for their own use outside Illinois if the purchasing carrier takes delivery of the property in Illinois and transports it over its own line to an out-of-State destination.

- 4) A sale by a mineral producer to a wholesaler or retailer for resale would not be a retail sale by the producer and so would not be taxable. The taxable sale (the retail sale) is the final sale to the user, and the County Water Commission Retailers' Occupation Tax on the sale will be applicable if the retailer is located in such territory that imposes a County Water Commission Retailers' Occupation Tax.

Section 630.125 Incorporation of Retailers' Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Retailers' Occupation Tax Regulations (86 Ill. Adm. Code 130), (whether characterized as Rules, Articles, Parts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate, Subpart E as it pertains to the deduction for collecting tax, Subpart O as it pertains to use of a credit memorandum to discharge any State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 630.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(b) of the Water Commission Act of 1985 as under the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.).

Section 630.135 Effective Date

- a) When a given County Water Commission Retailers' Occupation Tax goes into effect, it applies to sales made in the course of the seller's engaging in the business of selling tangible personal property at retail within the taxing territory on or after the effective date of the ordinance imposing such tax. For this purpose, the date of the sale is deemed to be the date of the delivery of the property. If delivery occurs after the effective date, in a transaction in which receipts were received before the effective date and tax was paid on such receipts when received by the seller in accordance with Section 130.430 of the Retailers' Occupation Tax Regulations, no County Water Commission Retailers' Occupation Tax will be due because of

the delivery of the property occurring after the effective date.

- b) Furthermore, in the case of sales of building materials to real estate improvement construction contractors for use in performing construction contracts for third persons, if such property is delivered to the contractor after the effective date of a rate increase but will be used in performing a binding construction contract which was entered into before the effective date of the increase and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, the applicable tax rate will be the rate which was in effect before the effective date of the rate increase. Before a supplier may deliver materials to a construction contractor after the effective date of a tax rate increase at the rate which was in effect prior thereto, the purchasing contractor must give such supplier a written, signed certification stating that specifically described materials are being purchased for use in performing a binding contract which was entered into before the effective date of the rate increase (specifying such date) and under which the contractor is legally unable to shift the burden of the tax rate increase to his customer, identifying the construction contract in question by its date and by naming the contractor's construction work involved, and by giving the location of the job site where the construction contract is being performed or is to be performed.
- c) The same rule applies when determining the effective date of an increase in the rate of a Municipal Retailers' Occupation Tax.

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1) Heading of Part: County Water Commission Service Occupation Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 640

3) Section Numbers:
640.101
640.105
640.110
640.115
640.120
640.125
640.130
640.135

Proposed Action:
New Section
New Section
New Section
New Section
New Section
New Section
New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111 2/3, par. 254(c) and authorized by Sec. 39(b)(3) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 Ch. 127, par. 39b3)

5) A Complete Description of the Subjects and Issues Involved:
Regulations implementing the 1/4 percent County Water Commission Service Occupation Tax, including such exemptions and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

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A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

B) Types of small businesses affected: Retailers

C) Reporting, bookkeeping or other procedures required for compliance:
Same as currently required by the Retailers' Occupation Tax Act

D) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 640

COUNTY WATER COMMISSION SERVICE OCCUPATION TAX

Section

- 640.101 Nature and Rate of the County Water Commission Service Occupation Tax
 640.105 Exemptions from the County Water Commission Service Occupation Tax
 640.110 Registration and Returns
 640.115 Claims to Recover Erroneously Paid Tax
 640.120 Jurisdictional Questions
 640.125 Incorporation of Service Occupation Tax Regulations by Reference
 640.130 Penalties, Interest and Procedures
 640.135 Effective Date

AUTHORITY: Implementing the County Water Commission Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 253) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at ___ Ill. Reg., effective _____.

NOTE: Text all in capital letters denotes statutory language.

Section 640.101 Nature and Rate of the County Water Commission Service Occupation Tax

a) Authority to Impose the Tax

The Board of Commissioners of a County Water Commission is authorized to impose a tax upon all persons engaged in the business of making sales of service at a rate not to exceed 1/4% of the cost price of tangible personal property transferred by such serviceman or person as an incident to a sale of service within the territory of the Commission as defined in Section 2 of the Water Commission Act of 1985. (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 252.) Presently, the County Water Commission Service Occupation Tax is only imposed by the DuPage Water Commission, and no other Commission has the authority to impose the tax.

b) Passing on the Tax

Suppliers of servicemen are required to collect the County Water Commission Service Occupation Tax (when applicable) from purchasing servicemen except when they can appropriately assume the accountability for self-assessing the tax under Subpart M of the Service

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Occupation Tax Regulations (86 Ill. Adm. Code 140). The legal incidence of the County Water Commission Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 355.01) is on the serviceman. Nevertheless, the General Assembly has authorized persons subject to this tax to reimburse themselves for their serviceman's County Water Commission Service Occupation Tax liability by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax which servicemen are authorized to collect under the Service Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.31 et seq.), pursuant to such bracket schedules as the Department may prescribe.

c) Exclusion from "Cost Prices"

Any amount added by a supplier to the cost price of tangible personal property sold to a serviceman for retransfer as an incident to service because of the County Water Commission Service Occupation Tax or because of the Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et seq.) and reimbursing amounts collected pursuant to the Municipal Service Occupation Tax or County Service Occupation Tax, the County Supplementary Service Occupation Tax and the Regional Transportation Authority Service Occupation Tax or Metro-East Mass Transit District Service Occupation Tax (where applicable) and collected from the purchasing serviceman, shall not be regarded as a part of the cost price which are subject to such County Water Commission Service Occupation Tax.

d) Ordinance Imposing Tax

ANY ORDINANCE IMPOSING a County Water Commission Service Occupation Tax OR EFFECTING A CHANGE IN THE RATE THEREOF SHALL BE EFFECTIVE ON THE FIRST DAY OF THE CALENDAR MONTH NEXT FOLLOWING THE PUBLICATION OF SUCH ORDINANCE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TERRITORY AND THE FILING OF A CERTIFIED COPY OF SUCH ORDINANCE WITH THE STATE DEPARTMENT OF REVENUE, WHEREUPON THE DEPARTMENT OF REVENUE SHALL PROCEED TO ADMINISTER AND ENFORCE THE County Water Commission Service Occupation Tax (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254) ON BEHALF OF THE COUNTY WATER COMMISSION AS OF THE EFFECTIVE DATE OF THE ORDINANCE.

Section 640.105 Exemptions from the County Water Commission Service Occupation Tax

a) Exemptions Similar to Service Occupation Tax

- 1) Generally, the County Water Commission Service Occupation Tax contains the same exemptions found in the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.101 et

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seq.). However, those exemptions from the Service Occupation Tax that are not located in Section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, par. 439.103) are not applicable to the County Water Commission Service Occupation Tax.

- 2) Specifically, the County Water Commission Service Occupation Tax is imposed on oil field exploration, drilling and production equipment and coal exploration, mining, off highway hauling, processing, maintenance and reclamation equipment, that incurs Service Occupation Tax at a rate of 0% (Ill. Rev. Stat. 1987, ch. 120, par. 439.103); and the use or consumption of tangible personal property used or consumed in the operation of pollution control facilities and manufacturing machinery and equipment for businesses located within an enterprise zone, even though such tangible personal property is exempt from the Service Occupation Tax pursuant to Sections 1(d) and 1(e) of the Retailers' Occupation Tax Act that are incorporated into the Service Occupation Tax Act by reference. (See Ill. Rev. Stat. 1987, ch. 120, par. 439.112).

- b) Examples of Exemptions from the County Water Commission Service Occupation Tax that are not Exempt from other Local Sales Taxes or in which such Local Governments can Reimpose

- 1) Food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics, for human use, are not subject to the County Water Commission Service Occupation Tax on the transfer of tangible personal property as an incident to a sale of service even though the sale of such tangible personal property by a serviceman is subject to the Municipal Service Occupation Tax or County Service Occupation Tax and the Metro-East Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, if applicable. The administration of this Section shall be in accordance with 86 Ill. Adm. Code 140.101, Subpart A.

- 2) The sale of machinery and equipment used in the manufacturing process, production agriculture and graphic arts production is exempt from County Water Commission Service Occupation Tax even though municipalities, mass transit districts, where applicable, and counties when imposing the County Service Occupation Tax in unincorporated areas of the county can reimpose such taxes, respectively. This is also true for such sales by a

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serviceman who transfers tangible personal property incidental to providing a service to a common carrier by rail who transports such tangible personal property outside Illinois for use outside this State on a uniform bill of lading showing the seller or shipper as the consignor, and the sale of any petroleum products to a purchaser, if the seller or serviceman is prohibited by Federal law from charging the tax to the purchaser.

Section 640.110 Registration and Returns

- a) A serviceman's registration under the Service Occupation Tax Act or the Retailers' Occupation Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 440 et seq.) is sufficient for the purposes of Section 4(c) of the Water Commission Act of 1985. No special registration for the County Water Commission Service Occupation Tax is required.

- b) Every serviceman must file a return each month if the serviceman is engaged in the business of selling tangible personal property incidental to providing a service in the territory of the Commission to which he owes County Water Commission Service Occupation Tax. However, the information required for the County Water Commission Service Occupation Taxes may be furnished on the taxpayer's Service Occupation Tax return form in the additional space that is provided on that form for reporting the County Water Commission Service Occupation Tax information.

Section 640.115 Claims to Recover Erroneously Paid Tax

- a) Incorporation by Reference
The provisions of Subpart N of the Service Occupation Tax Regulations (86 Ill. Adm. Code 140) shall apply to the extent specified in Section 640.125 of this Part.

- b) Separate Claim Required for Each Tax

If the claimant files a claim for some State, some County and some Municipal Service Occupation Tax, some Metro-East Mass Transit District Service Occupation Tax or Regional Transportation Authority Service Occupation Tax, some County Supplementary Service Occupation Tax and some County Water Commission Service Occupation Tax paid erroneously as to the same transactions, the claims will be audited, heard or otherwise processed together whenever practicable. However, separate credit memoranda will be issued if such claims are approved.

- c) Use of Credit Memoranda

Any given credit memorandum for the erroneous payment of County Water Commission Service Occupation Tax may be used by the claimant or his authorized assignee only to pay further County Water Commission Service Occupation or County Water Commission Retailers' Occupation Tax due.

d) Prohibition Against Unjust Enrichment

A claim for a County Water Commission Service Occupation Tax cannot be sustained unless the claimant establishes (among other things) that he has borne the burden of such County Water Commission Service Occupation Tax in the first instance or that he has unconditionally repaid such amount to his vendee to whom he had shifted the burden of such amount, and (in the latter event) that such vendee did not shift the burden of such amount to his customer or has unconditionally repaid such amount to his customer. The incorporation of Section 17 of the Service Occupation Tax Act into Section 4(c) of the Water Commission Act of 1985 by reference carries with it the principle against unjust enrichment provided for with respect to the Service Occupation Tax when a claim for credit of that kind of tax is disposed of in accordance with Section 17 of the Service Occupation Tax Act.

e) Refunds

The Department shall award the claimant a refund unless the claimant requests, in writing, that a credit memorandum be issued. Whenever the Department determines that a refund should be made to a claimant instead of issuing a credit memorandum, the Department will notify the Comptroller, who will cause the warrant to be drawn for the amount specified, and to the person named, in such notification from the Department. Such refund shall be paid by the State Treasurer out of the County Water Commission Tax Fund.

Section 640.120 Jurisdictional Questions

a) If the Service Occupation Tax is collected on the transaction by the supplier from the purchasing serviceman for remittance to the Department by such supplier, the supplier shall also collect and remit County Water Commission Service Occupation Tax on the transaction if the supplier's place of business is located in the territory of the Commission.

b) If the Service Occupation Tax on a transaction is being remitted directly to the Department by the serviceman rather than by a supplier, the serviceman shall also pay County Water Commission Service Occupation Tax to the Department on the same transaction if such serviceman's place of business is located in the territory of

the Commission. This is true whether the serviceman bought the property in Illinois or outside Illinois.

Section 640.125 Incorporation of Service Occupation Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Service Occupation Tax Regulations (86 Ill. Adm. Code 140), (whether characterized as Regulations, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to rate and Subpart N as it pertains to the use of a credit memorandum to discharge State or Municipal Tax liability, are incorporated herein by reference and made a part hereof.

Section 640.130 Penalties, Interest and Procedures

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(c) of the Water Commission Act of 1985 as under the Service Occupation Tax Act.

Section 640.135 Effective Date

When a given County Water Commission Service Occupation Tax goes into effect, it applies to sales of service made in the course of the serviceman's engaging in the business of selling services within the territory of the Commission on or after the effective date of the ordinance imposing such tax. For this purpose, the date of the sale of service is deemed to be the date of the delivery, to the user, of the tangible personal property which the serviceman retransfers as an incident to service.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

1) Heading of Part: County Water Commission Use Tax Regulations

2) Code Citation: 86 Ill. Adm. Code 650

3) Section Numbers:Proposed Action:

650.101	New Section
650.105	New Section
650.110	New Section
650.115	New Section
650.120	New Section

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254(d) and authorized by Sec. 39(b)(3) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 Ch. 127, par. 39b3)

5) A Complete Description of the Subjects and Issues Involved:
Regulation implementing the 1/4 percent County Water Commission Use Tax, including such exemptions and penalties.

6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

B) Types of small businesses affected: Retailers

C) Reporting, bookkeeping or other procedures required for compliance:
Same as currently required by the Retailers' Occupation Tax Act

D) Types of professional skills necessary for compliance: Basic bookkeeping

The full text of the Proposed Rule(s) begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 650

COUNTY WATER COMMISSION USE TAX

Section 650.101	Nature and Rate of the County Water Commission Use Tax
650.105	Items Covered
650.110	Incorporation of Use Tax Regulations by Reference
650.115	Penalties, Interest and Procedures
650.120	Effective Date

AUTHORITY: Implementing the County Water Commission Use Tax Act (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254(d) and authorized by Section 39b3 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987, ch. 127, par. 39b3).

SOURCE: Adopted at _____ Ill. Reg. _____, effective _____.

NOTE: Text all in capital letters denotes statutory language.

Section 650.101 Nature and Rate of the County Water Commission Use Tax

THE BOARD OF COMMISSIONERS OF A COUNTY WATER COMMISSION MAY IMPOSE A TAX UPON THE PRIVILEGE OF USING, IN THE TERRITORY OF THE COMMISSION, ANY ITEM OF TANGIBLE PERSONAL PROPERTY WHICH IS PURCHASED OUTSIDE THE TERRITORY AT RETAIL FROM A RETAILER, AND WHICH IS TITLED OR REGISTERED WITH AN AGENCY OF THIS STATE'S GOVERNMENT, AT A RATE NOT TO EXCEED 1/4% OF THE SELLING PRICE OF SUCH TANGIBLE PERSONAL PROPERTY WITHIN THE TERRITORY, AS "SELLING PRICE" IS DEFINED IN THE "USE TAX ACT". SUCH TAX SHALL BE COLLECTED FROM PERSONS WHOSE ILLINOIS ADDRESS FOR TITLING OR REGISTRATION PURPOSES IS GIVEN AS BEING IN THE TERRITORY. SUCH TAX SHALL BE COLLECTED BY THE DEPARTMENT OF REVENUE FOR A COUNTY WATER COMMISSION. SUCH TAX MUST BE PAID TO THE STATE, OR AN EXEMPTION DETERMINATION MUST BE OBTAINED FROM THE DEPARTMENT OF REVENUE, BEFORE THE TITLE OR CERTIFICATE OF REGISTRATION FOR THE PROPERTY MAY BE ISSUED. THE TAX OR PROOF OF EXEMPTION MAY BE TRANSMITTED BY WAY OF THE STATE AGENCY WITH WHICH, OR THE STATE OFFICER WITH WHOM, THE TANGIBLE PERSONAL PROPERTY MUST BE TITLED OR REGISTERED IF THE DEPARTMENT AND SUCH STATE AGENCY OR STATE OFFICER DETERMINE THAT THIS PROCEDURE WILL EXPEDITE THE PROCESSING OF APPLICATIONS FOR TITLE OR REGISTRATION. (Ill. Rev. Stat. 1987, ch. 111-2/3, par. 254(d).)

Section 650.105 Items Covered

Items which are titled or registered with the State are motor vehicles, aircraft, motorboats, sailboats exceeding 12 feet in length, snowmobiles, and

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

implements of husbandry and special mobile equipment for which the owner decides to apply for an optional title. For the purposes of this Regulation:

- The term "motor vehicle" includes passenger cars, trucks, buses, motorcycles and any kind of vehicle which is required to be titled under the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-146), (including house trailers for which a display certificate of title is required).
- The term "implement of husbandry" means:
EVERY VEHICLE DESIGNED AND ADAPTED EXCLUSIVELY FOR AGRICULTURAL, HORTICULTURAL, OR LIVESTOCK RAISING OPERATIONS, INCLUDING FARM WAGONS, WAGON TRAILERS OR LIKE VEHICLES USED IN CONNECTION THEREWITH, OR FOR LIFTING OR CARRYING AN IMPLEMENT OF HUSBANDRY PROVIDED THAT NO FARM WAGON, WAGON TRAILER OR LIKE VEHICLE HAVING A GROSS WEIGHT OF MORE THAN 36,000 POUNDS, SHALL BE INCLUDED HEREUNDER. (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-130.)

- The term "special mobile equipment" means:

EVERY VEHICLE NOT DESIGNED OR USED PRIMARILY FOR THE TRANSPORTATION OF PERSONS OR PROPERTY AND ONLY INCIDENTALLY OPERATED OR MOVED OVER A HIGHWAY, INCLUDING BUT NOT LIMITED TO: DITCH DIGGING APPARATUS, WELL BORING APPARATUS AND ROAD CONSTRUCTION AND MAINTENANCE MACHINERY SUCH AS ASPHALT SPREADERS, BITUMINOUS MIXERS, BUCKET LOADERS, TRACTORS OTHER THAN TRUCK TRACTORS, DITCHES, LEVELLING GRADERS, FINISHING MACHINES, MOTOR GRADERS, ROAD ROLLERS, SCARIFIERS, EARTH MOVING CARRYALLS AND SCRAPERS, POWER SHOVELS AND DRAG LINES, AND SELF-PROPELLED CRANES AND EARTH MOVING EQUIPMENT. THE TERM DOES NOT INCLUDE HOUSE TRAILERS, DUMP TRUCKS, TRUCK MOUNTED TRANSIT MIXERS, CRANES OR SHOVELS, OR OTHER VEHICLES DESIGNED FOR THE TRANSPORTATION OF PERSONS OR PROPERTY TO WHICH MACHINERY HAS BEEN ATTACHED. (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 1-191.)

Section 650.110 Incorporation of Use Tax Regulations by Reference

To avoid needless repetition, the substance and provisions of all Use Tax Regulations (86 Ill. Adm. Code 150), (whether characterized as Rules, Articles, Subparts, Sections, or by some other designation), which are now in effect or which may hereafter be amended or promulgated, except Subpart A as it pertains to subject matter and rate; Subpart G as it pertains to registration of out-of-State retailers; Subpart M as it pertains to retailers and the use of a credit memorandum to discharge State or municipal tax liabilities, are incorporated herein by reference and made a part hereof.

Section 650.115 Penalties, Interest and Procedures

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NOTICE OF PROPOSED RULES

All penalties (both civil and criminal), provisions concerning interest and procedures (such as the making of assessments, the venue and mode of conducting hearings, subpoenas, the filing, processing and disposition of claims, matters pertaining to judicial review and other procedural subjects), together with statutes of limitation, are the same under Section 4(d) of the County Water Commission Act of 1985 as under the Use Tax Act (Ill. Rev. Stat. 1987, ch. 120, pars. 439.1 et seq.).

Section 650.120 Effective Date

When a given County Water Commission Use Tax goes into effect, it applies to purchases made on or after the effective date of the ordinance imposing the tax. For this purpose, the date of the purchase is deemed to be the date of delivery of the property to the purchaser. The same rule applies when determining the effective date of an increase or decrease in the rate of the County Water Commission Use Tax.

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NOTICE OF PROPOSED RULES

- 1) Heading of Part: Vehicle Use Tax Regulations
- 2) Code Citation: 86 Ill. Adm. Code 151
- 3) Section Numbers:
151.101
151.105
150.110
150.115
Proposed Action:
New Section
New Section
New Section
New Section
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 95-1/2, par. 3-1005
- 5) A Complete Description of the Subjects and Issues Involved: These rules are promulgated to implement the provisions of the Vehicle Use Tax.
- 6) Will this proposed rule replace an emergency rule currently in effect:
No

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part: No

10) Statement of Statewide Policy Objectives: These rules will not require local governments to modify activities to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Mr. R. Dale Yung
Administrator
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 782-6336

12) Initial Regulatory Flexibility Analysis:

A Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: January 13, 1989

B) Types of small businesses affected: Those who purchase a motor vehicle from someone who is not required to treat the transaction as a retail sale subject to the Retailers' Occupation and Use Taxes.

C) Reporting, bookkeeping or other procedures required for compliance:
No new requirements are imposed.

D) Types of professional skills necessary for compliance: No new
requirements are imposed.

The full text of the Proposed Rule(s) begins on the next page:

TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE

PART 151
VEHICLE USE TAX

- Section 151.101 Nature of Vehicle Use Tax
- 151.105 Basis and Rate of the Tax
- 151.110 Title Application - Returns and Payment
- 151.115 Nontaxable Transactions

AUTHORITY: Implementing and authorized by Section 3-1005 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 3-1005).

SOURCE: Adopted at _____, Ill. Reg. _____, effective _____.

NOTE: Text all in capital letters denotes statutory language.

Section 151.101 Nature of Vehicle Use Tax

- a) The Vehicle Use Tax is a privilege tax imposed on the privilege of using, in this State, motor vehicles of the First and Second Divisions, motorcycles, motor driven cycles, and motorized pedalcycles.
- b) The tax applies to motor vehicles ACQUIRED BY PURCHASE, AND HAVING A YEAR MODEL DESIGNATION PRECEDING THE YEAR OF APPLICATION FOR TITLE BY 10 OR FEWER YEARS ON AND AFTER OCTOBER 1, 1985 AND PRIOR TO JANUARY 1, 1988. ON AND AFTER JANUARY 1, 1988, THE TAX SHALL APPLY TO ALL MOTOR VEHICLES WITHOUT REGARD TO MODEL YEAR. (Ill. Rev. Stat. 1987 Supp., ch. 95-1/2, par. 3-1001.)

Section 151.105 Basis and Rate of the Tax

- a) PRIOR TO JANUARY 1, 1988 THE RATE OF TAX SHALL BE 5% OF THE SELLING PRICE FOR EACH PURCHASE OF A MOTOR VEHICLE.
- b) EXCEPT AS HEREINAFTER PROVIDED, BEGINNING JANUARY 1, 1988, THE RATE OF TAX SHALL BE AS FOLLOWS FOR TRANSACTIONS IN WHICH THE SELLING PRICE OF THE MOTOR VEHICLE IS LESS THAN \$15,000:

NUMBER OF YEARS TRANSPIRED AFTER MODEL YEAR OF MOTOR VEHICLE	APPLICABLE TAX
1 OR LESS	\$390
2	290
3	215

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4	165
5	115
6	90
7	80
8	65
9	50
10	40
OVER 10	25

- c) EXCEPT AS HEREINAFTER PROVIDED, BEGINNING JANUARY 1, 1988, THE RATE OF TAX SHALL BE AS FOLLOWS FOR TRANSACTIONS IN WHICH THE SELLING PRICE OF THE MOTOR VEHICLE IS \$15,000 OR MORE:

SELLING PRICE	APPLICABLE TAX
\$15,000 - \$19,999	\$ 750
\$20,000 - \$24,999	\$1,000
\$25,000 - \$29,999	\$1,250
\$30,000 AND OVER	\$1,500

(Ill. Rev. Stat. 1987 Supp., ch. 95-1/2, par. 3-1001.)

- d) Effective January 1, 1988, the tax rate shall be \$15 for each motor vehicle acquired in the following transactions:

- 1) WHEN THE TRANSFER IS A GIFT TO A BENEFICIARY IN THE ADMINISTRATION OF AN ESTATE;

- 2) WHEN A MOTOR VEHICLE WHICH HAS ONCE BEEN SUBJECTED TO THE ILLINOIS RETAILERS' OCCUPATION TAX OR USE TAX IS TRANSFERRED IN CONNECTION WITH THE ORGANIZATION, REORGANIZATION, DISSOLUTION OR PARTIAL LIQUIDATION OF AN INCORPORATED OR UNINCORPORATED BUSINESS WHEREIN THE BENEFICIAL OWNERSHIP IS NOT CHANGED;

- 3) WHEN THE TRANSFEREE OR PURCHASER IS THE SPOUSE, MOTHER, FATHER, BROTHER, SISTER OR CHILD OF THE TRANSFEROR. (Ill. Rev. Stat. 1987 Supp., ch. 95-1/2, par. 3-1001.)

- e) A claim that a transaction is taxable under subsection (c)(3) of this Section must be supported by a certification of family relationship that has been notarized by a notary public. The certification must be executed by the purchaser and submitted at the time of filing the return. The certification must include the seller's name and address, the purchaser's name and address and a statement that describes the family relationship between them.

- f) FOR A TRANSACTION IN WHICH A MOTORCYCLE, MOTOR DRIVEN CYCLE OR MOTORIZED PEDALCYCLE IS ACQUIRED THE TAX RATE SHALL BE \$25. (Ill.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

Rev. Stat. 1987 Supp., ch. 95-1/2, par. 3-1001.)

- g) For a transaction in which an all terrain vehicle is acquired, the tax rate shall be \$25.00.

Section 151.110 Title Application - Returns and Payment

- a) THE PURCHASER SHALL FILE A RETURN SIGNED BY THE PURCHASER WITH THE DEPARTMENT OF REVENUE ON A FORM PRESCRIBED BY THE DEPARTMENT.

- b) SUCH RETURN AND PAYMENT FROM THE PURCHASER SHALL BE SUBMITTED TO THE DEPARTMENT AFTER THE SALE AND SHALL BE A CONDITION TO SECURING THE TITLE TO THE MOTOR VEHICLE FROM THE SECRETARY OF STATE. (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 3-1002.)

- c) When the applicable tax depends upon the "model age" of the vehicle, such "model age" shall be calculated on the date of title application.

- d) The "model age" of the vehicle shall be determined by subtracting the model year of the vehicle from the year of the date of title application.

Section 151.115 Nontaxable Transactions

The tax does not apply to receipts from sales:

- a) IF THE USE OF THE VEHICLE IS OTHERWISE TAXED UNDER THE USE TAX ACT;

- b) IF THE MOTOR VEHICLE IS BOUGHT AND USED BY A GOVERNMENTAL AGENCY OR A SOCIETY, ASSOCIATION, FOUNDATION OR INSTITUTION ORGANIZED AND OPERATED EXCLUSIVELY FOR CHARITABLE, RELIGIOUS OR EDUCATIONAL PURPOSES;

- c) IF THE USE OF THE MOTOR VEHICLE IS NOT SUBJECT TO THE USE TAX ACT BY REASON OF SECTION 3(A), (B), (C), (D), (E) OR (F) OF THAT ACT DEALING WITH THE PREVENTION OF ACTUAL OR LIKELY MULTISTATE TAXATION;

- d) OF IMPLEMENTS OF HUSBANDRY;

- e) WHEN A JUNKING CERTIFICATE IS ISSUED PURSUANT TO SECTION 3-117.1(a) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 3-117.1);

- f) WHEN A VEHICLE IS SUBJECT TO THE REPLACEMENT VEHICLE TAX IMPOSED BY SECTION 3-2001 OF the Illinois Vehicle Code. (Ill. Rev. Stat. 1987 Supp., ch. 95-1/2, par. 3-1001.)

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Floodway Construction in Northeastern Illinois

2) Code Citation: 92 Ill. Adm. Code 708

3) Section Numbers: Proposed Action:

708.80 Amendment
708.90 Amendment
708.180 Amendment

4) Statutory Authority: Ill.Rev.Stat.1987, ch. 19, par. 65g.

5) A complete description of the subjects and issues involved:

At this time, the Department is amending Part 708 in response to notification from the JCAR that the Department made certain nonsubstantive, grammatical errors when this Part was originally filed in November 1988.

In addition to the minor corrections referenced above, the Department is amending Section 708.90(i) to remove the word "not" which was erroneously included in the phrase "shall not be subject to Department review or Department permits."

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference?
No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives:

The amendment to Section 708.90(i) causes certain actions and determinations to be retained by the Department and not delegated to local governments.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

DEPARTMENT OF TRANSPORTATION

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Mr. David Boyce, Chief
Floodplain Management Section
Division of Water Resources
2300 South Dirksen Parkway, Rm. 024
Springfield, Illinois 62764
(217) 782-3862

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

This amendment will have no affect on small businesses.

This rule was submitted to D.C.C.A. on January 20, 1989.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER I: WATER RESOURCES

PART 708

FLOODWAY CONSTRUCTION IN NORTHEASTERN ILLINOIS

Section

708.10	Purpose
708.20	Definitions
708.30	Jurisdiction
708.40	General Provisions
708.50	Regulatory Floodway Maps
708.60	Delineation of the Regulatory Floodway
708.70	Permitting Appropriate Uses of the Floodway
708.80	Changes to the Regulatory Floodway
708.90	Delegation to Municipalities and Counties
708.100	Violations
708.110	Permit Application
708.120	Public Notice
708.130	Public Hearings
708.140	Time to Permit Issuance; Emergency Authorizations; Duration; Revisions
708.150	Permit Conditions
708.160	General Permits
708.170	Regional Permits
708.180	Final Administrative Decisions
708.190	Effective Date

AUTHORITY: Implementing and authorized by Section 18g of "AN ACT in relation to the regulation of the rivers, lakes and streams of the State of Illinois" (Ill. Rev. Stat. 1987, Ch. 19, par. 65g).

SOURCE: Adopted at 12 Ill. Reg. 20547, effective November 29, 1988; amended at 13 Ill. Reg. ____, effective ____.

NOTE: Capitalization denotes statutory language.

Section 708.80 Changes to the Regulatory Floodway

- a) The 100-year frequency flood profile and regulatory floodway shall not be changed by the Department unless one of the following has occurred:
- 1) The original regulatory floodway delineation is shown by the applicant's engineer to be in error based upon a review of physical data or the mathematical model;

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENTS

- 2) There are changed conditions such as changes in land use or modifications to the ground elevations which require modification of the original regulatory floodway computations; or
- 3) A public flood control project has been constructed and is operable; or
- 4) The unit of local government exercising zoning control over an area within its corporate limits proposes or concurs in the proposal that the floodway storage or conveyance be relocated to facilitate development and a unit of local government will either:
 - A) Assume responsibility to operate and maintain any modifications or improvements made to relocate the floodway; or
 - B) Have the right and will agree, upon default of the party primarily responsible for such operation and maintenance, to undertake such operation and maintenance.
- b) Any person contesting the correctness of the delineation shall be given an opportunity to submit his or her own technical evidence of error or changed conditions. The Department will review the technical evidence to determine the correctness of the delineation.
- c) Effective regulatory floodway conveyance or storage can be relocated by moving the regulatory floodway delineation onto the existing flood fringe property if the following criteria are met:
 - 1) It must be shown through engineering calculations that the new regulatory floodway storage or conveyance gained effectively compensates for lost regulatory floodway storage or conveyance;
 - 2) If the affected property is other than the applicant's or is subdivided or proposed to be subdivided, covenants shall be obtained and recorded on the affected properties to assure that they are maintained with the existing and future owner's agreement as regulatory floodway storage or conveyance areas;
 - 3) The regulatory floodway map is revised to include the new area as regulatory floodway; and
 - 4) A notice of such regulatory floodway map change is recorded with the affected parcel in the county recorder's office.

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- d) After receipt of conditional approval of the regulatory floodway change and issuance of a permit, construction as necessary to change the regulatory floodway designation may proceed but no buildings or structures or other construction that is not an appropriate use may be placed in that area until the regulatory floodway map is changed. The regulatory floodway map will be revised upon acceptance by the Department and FEMA of the "as-built" plans.
- e) The Department may require deed restrictions, performance bonds or sureties, as-built certification or maintenance guarantees to assure projects are built according to permitted plans.
- f) All field surveys as required by this Part shall be conducted under the supervision of a registered professional engineer or registered land surveyor, and shall be so sealed. All required engineering analyses shall be conducted under the supervision of a registered professional engineer or in the case of a federal project, by the federal agency and shall be so sealed or stated.

(SOURCE: Amended at 13 Ill. Reg. _____, effective _____)

Section 708.90 Delegation to Municipalities and Counties

- a) NO UNIT OF LOCAL GOVERNMENT, INCLUDING HOME RULE UNITS, MAY ISSUE A BUILDING PERMIT OR OTHER APPARENT AUTHORIZATION FOR ANY PROHIBITED NEW CONSTRUCTION WITHIN THE REGULATORY FLOODWAY (Section 18g of the Act).
- b) The Department will delegate to municipalities within incorporated areas and to counties within unincorporated areas the Department's authority to issue permits in accordance with this Part for non-governmental activities, upon determination by the Division that the following conditions have been met:
- 1) The municipality or county is participating in the regular phase of the National Flood Insurance Program;
 - 2) The municipality or county has enacted an ordinance that adopts requirements at least as restrictive as this Part; and
 - 3) The municipality or county has enacted an ordinance which requires that all proposed regulatory floodway projects are reviewed under the supervision of a registered professional engineer under the employ or contract of the municipality or county and, in the case of appropriate uses, so stated in writing by that registered professional engineer to meet the specific requirements of Section 708.70.

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- c) The only permits a municipality or county may issue for new construction in a regulatory floodway are for appropriate uses as defined by Section 708.70 of this Part.
- d) If the proposed appropriate use will require a regulatory floodway delineation change or will change the flood stage elevation, the municipality or county shall require that the applicant obtain a conditional approval of the regulatory floodway map change from the Department and FEMA before a permit is issued for the appropriate use.
- e) No buildings or structures or other construction that is not an appropriate use shall be placed in a designated regulatory floodway until the designated regulatory floodway map has been revised to remove the building site from the regulatory floodway. A conditional approval of a regulatory floodway map change is not a change in the regulatory floodway map. After completing a project which will result in a regulatory floodway map revision, the applicant must submit "as built" plans to the Division and FEMA to revise the regulatory floodway map. The municipality or county will then be notified by the Department or FEMA when the regulatory floodway map has been changed, at which time a building permit may be issued.
- f) No municipality or county shall issue a variance not in compliance with this Part.
- g) Municipalities and counties may adopt and enforce ordinances with greater restrictions than those of this Part.
- h) If a municipality or county issues a regulatory floodway development permit not in accordance with this Part or fails to meet the criteria listed in subsection (b)(1)-(3), the Department will rescind the municipality's or county's authority to administer the Department's regulatory floodway permit program for appropriate uses.
- i) The following shall not be delegated to municipalities and counties as part of this section and shall ~~not~~ be subject to Department review or Department permits:
- 1) Department permits shall be issued to organizations which are exempt from the municipality's or county's ordinance.
 - 2) The Department will permit Department projects, dams (as defined by 92 Ill. Adm. Code 702) and all other state, federal or local unit of government projects, including projects of the municipalities and counties.

DEPARTMENT OF TRANSPORTATION

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- 3) The Department will review an engineer's determination that an existing bridge or culvert is not a source of flood damage pursuant to Section 708.70.
- 4) The Department will review an engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening pursuant to Section 708.70.
- 5) The Department will retain its authority to accept alternative transition sections and hydraulically equivalent storage as indicated in Section 708.70.

(SOURCE: Amended at 13 Ill. Reg. ____, effective ____)

Section 708.180 Final Administrative Decisions

The approval or denial of applications for permit under this Part shall be considered final administrative decisions and are subject to judicial review in accordance with the Administrative Review Law, (Ill. Rev. Stat. 1987, ch. 110, par. 3-101 et seq.).

(SOURCE: Amended at 13 Ill. Reg. ____, effective ____)

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 850
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
850.15	Added
850.20	Amended
850.30	Amended
850.110	Amended
850.120	Amended
850.130	Amended
850.205	Added
850.210	Amended
850.220	Amended
850.230	Amended
850.240	Amended
850.TABLE A	Amended
850.TABLE B	Amended
850.TABLE C	Amended
850.TABLE D	Amended
850.TABLE E	Amended
850.TABLE G	Amended
850.TABLE H	Amended
- 4) Statutory Authority: Implementing Sections 4 and 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1004 and 1004.01) and authorized by Sections 3-2-2 and 3-2-5 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2 and 1003-2-5).
- 5) Effective Date of Amendments: February 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? ____ Yes
X No
- 7) Does this amendment contain incorporations by reference? No.
- 8) Date Filed in Agency's Principal Office: January 9, 1989.
- 9) Notice(s) of Proposal Published in Illinois Register: Not applicable. These are internal rules which are exempt from the first and second notice periods.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference(s) between proposal and final version: None.

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreement letter issued by JC&R? Not applicable.
- 13) Will this amendment replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.
- 15) Summary and Purpose of Amendments: These rules have been amended to update statutory authority and citations; to update the tables of organization for the agency; to include more specific internal procedures for the rulemaking process; and to further clarify the rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: William H. Craine, Ph.D., Deputy Director
Department of Corrections
Address: 1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277
Telephone: 217/522-2666

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER VII: DEPARTMENT OF CORRECTIONS

PART 850
PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section	
850.10	Applicability
850.15	Definitions
850.20	Public Requests
850.30	Public Submissions

SUBPART B: RULEMAKING

Section	
850.100	Applicability
850.110	Definitions
850.120	Procedure
850.130	Public Hearings

SUBPART C: ORGANIZATION

Section	
850.200	Applicability
850.205	Definitions
850.210	Department of Organization
850.220	Adult Division Correctional Facilities
850.230	Juvenile Division Correctional Facilities
850.240	Community Services Division Correctional Facilities

TABLE A	Department Organization
TABLE B	Adult Institutions Organization
TABLE C	Juvenile Division Organization
TABLE D	Community Services Organization
TABLE E	Bureau of Administration and Planning Organization
TABLE F	Bureau of Policy Development Organization (Repealed)
TABLE G	Bureau of Inspections and Audits Organization
TABLE H	Bureau of Employee and Inmate Services Organization

AUTHORITY: Implementing Sections 4 and 4.01 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1004 and 1004.01) and authorized by Sections 3-2-2 and 3-2-5 of the Unified Code of Corrections (Ill. Rev. Stat. 1987, ch. 38, pars. 1003-2-2 and 1003-2-5).

SOURCE: Adopted at 7 Ill. Reg. 13487, effective October 4, 1983; amended at

DEPARTMENT OF CORRECTIONS

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9 Ill. Reg. 2478, effective February 7, 1985; amended at 13 Ill. Reg. 1510, effective February 1, 1989.

SUBPART A: PUBLIC INFORMATION

Section 850.15 Definitions

"Department" means the Department of Corrections.
"Director" means the Director of the Department of Corrections.

(Source: Added at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.20 Public Requests

a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested, the reason for the request and, when applicable, timing requirements. Requests should be directed to:

Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62702 62794-9277

b) The Department shall respond to such requests within 10 days of receipt, whenever possible.

c) When confidential information is requested, or whenever release of information is limited or prohibited by statute or by any provision of 20 Ill. Adm. Code: Chapter I, the requestor shall be notified.

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.30 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, programs and activities of the Department in writing to:

Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62702 62794-9277

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

ILLINOIS REGISTER

DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS

SUBPART B: RULEMAKING

Section 850.110 Definitions

Statutory definition shall apply to terms in the Department rules, unless otherwise defined. For purposes of these rules (20 Ill. Adm. Code: Chapter I):

"Department" means the Department of Corrections.
"Director" means the Director of the Department of Corrections.

"Part" means a unified set of rules.

"Section" means a single rule.

"Subpart" means a unified set of rules within a Part.

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.120 Procedure

a) Rules may be proposed by the Director and members of the Executive Staff in consultation with their divisions or bureaus but shall be issued only by the Director.

b) Any interested person may petition the Director to make, amend or repeal a rule.

1) The petition shall be addressed preferred form of address of the petition is:

Director
Attn: Bureau of Employee and Inmate Services
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62702 62794-9277

2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.

3) The petitioner shall be advised in writing, within thirty days whenever possible, of the decision in regard to the petition.

c) Rules may be reviewed, and new rules may be adopted, as necessary to maintain Department rules in accord with State and federal law

DEPARTMENT OF CORRECTIONS
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and to appropriately address the concerns of Department facilities, staff, committed persons and the public:

- 1) Adopted rules shall be reviewed on an on-going basis and shall be amended or repealed, as necessary; and
- 2) New rules shall be adopted, as necessary.

d) Prior to initiation of formal rulemaking procedures pursuant to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.), proposed rulemaking:

- 1) Shall be reviewed and approved by appropriate Department staff.
- 2) May, upon the approval of the Director or his designee, be reviewed by individuals or organizations other than Department staff.

ea) Rules adopted by the Department shall be made available to employees and committed persons.

df) Rules adopted by the Department shall be available for public inspection during normal working hours at the Policy and Directive Unit, 1301 Concordia Court, Springfield, Illinois.

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.130 Public Hearings

a) The Director or his designee may conduct public hearings on proposed rulemaking whenever the interest of the State would be best served by such proceedings or as otherwise required under the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

b) A formal notice of a public hearing will be published in the Illinois Register at least ten days prior to the hearing. The notice shall include the date, time and place of the proceedings.

c) Minutes of public hearings shall be recorded and shall be available for public inspection at the Policy and Directive Unit, 1301 Concordia Court, Springfield, Illinois.

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

SUPPORT C: ORGANIZATION

DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

Section 850.205 Definitions

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

(Source: Added at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.210 Department Organization

a) The Department shall have an Adult and Juvenile Division and other operating divisions or service bureaus so designated by the Director.

b) The organization of the Department is illustrated in Table A. The Adult and Juvenile Advisory Boards and the School-Board School District #428, Board of Education, illustrated on this table by broken lines, are shown to reflect the advisory capacity and the interaction with the Department. These Boards are not within the organizational structure of the Department.

c) The organizational structure of each division and bureau is illustrated in Tables B-H. The School Board of Education, illustrated by broken lines on Table H, is included to show the relationship to the School District No. #428.

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.220 Adult Division Correctional Facilities

The following are designated as the correctional facilities within the Adult Division. Unless otherwise noted, the facilities listed are for males. New facilities which are designated but which are not currently in operation are noted.

a) Correctional Centers

Centralia Correctional Center, Centralia
 Danville Correctional Center, Danville (not operational)
 Dixon Correctional Center, Dixon
 Dwight Correctional Center, Dwight (female)
 East Moline Correctional Center, East Moline
 Galesburg-Correctional-Center, Galesburg (not-operational)
 Graham Correctional Center, Hillsboro
 Hill Correctional Center, Galesburg
 Illinois River Correctional Center, Canton (not operational)
 Jacksonville Correctional Center, Jacksonville
 Joliet Correctional Center, Joliet

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Lincoln Correctional Center, Lincoln
 Logan Correctional Center, Lincoln (male and female)
 Menard Correctional Center, Menard
 Menard Psychiatric Center, Menard
 Pontiac Correctional Center, Pontiac
 Shawnee Correctional Center, Vienna
 Sheridan Correctional Center, Sheridan
 Stateville Correctional Center, Joliet
 Vandalia Correctional Center, Vandalia
 Vienna Correctional Center, Vienna
 Western Illinois Correctional Center, Mt. Sterling (not operational)

b) Work Camps

Dixon Springs Work Camp, Golconda
 East-Moline-Work-Camp-#1;-East-Moline
 East-Moline-Work-Camp-#2;-East-Moline
 Hanna City Work Camp, Hanna City
 Hardin-County-Work-Camp;-Gave-in-Rock
 Springfield Work Camp, Springfield
 Vandalia-Work-Camp;-Vandalia

c) Reception and Classification Units

Adult Reception and Classification Units are established within the following correctional centers:

Dwight (female)
 Graham
 Joliet
 Menard

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.230 Juvenile Division Correctional Facilities

The following are designated as the correctional facilities within the Juvenile Division. Unless otherwise noted, the facilities listed are for males.

a) Youth Centers

Illinois Youth Center - Harrisburg, Harrisburg
 Illinois Youth Center - Joliet, Joliet
 Illinois Youth Center - Kankakee, Manteno
 Illinois Youth Center - Pere Marquette, Grafton
 Illinois Youth Center - St. Charles, St. Charles

DEPARTMENT OF CORRECTIONS

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Illinois Youth Center - Valley View, St. Charles
 Illinois Youth Center - Warrenville, Warrenville (males male and females female)

b) Reception and Classification Units

Juvenile Reception and Classification Units are established within the following youth centers:

St. Charles (male)
 Warrenville (female)

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850.240 Community Services Division Correctional Facilities

The following are designated as community correctional facilities within the Community Services Division. Unless otherwise noted, the facilities are for males.

a) Community Correctional Centers, State Operated:

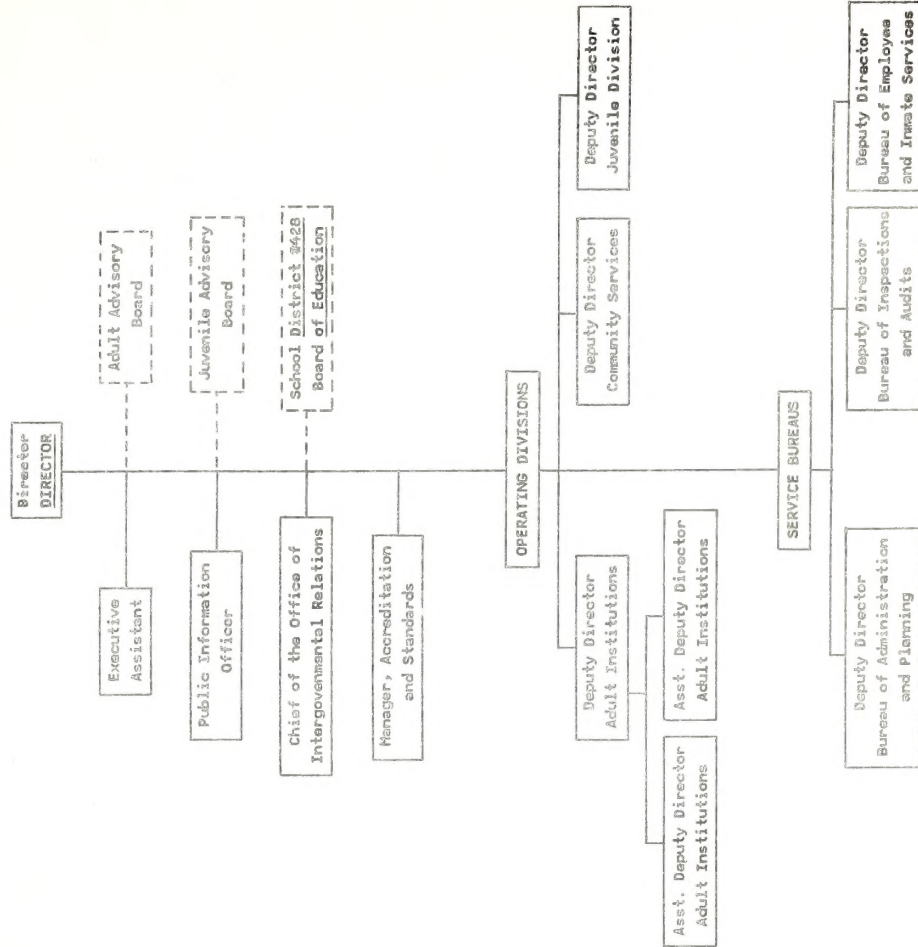
Decatur Community Correctional Center, Decatur
 East-St.-Louis-Community-Correctional-Center;-East-St.-Louis
 Fox Valley Community Correctional Center, Aurora
 Jessie "Ma" Houston Community Correctional Center, Chicago (females female)
 Joliet Community Correctional Center, Romeoville
 Metro Community Correctional Center, Chicago
 Peoria Community Correctional Center, Peoria (male and female)
 Southern Illinois Community Correctional Center, Carbondale
 Urbana Community Correctional Center, Urbana
 Winnebago Community Correctional Center, Rockford

b) Community Correctional Centers, Contractual:

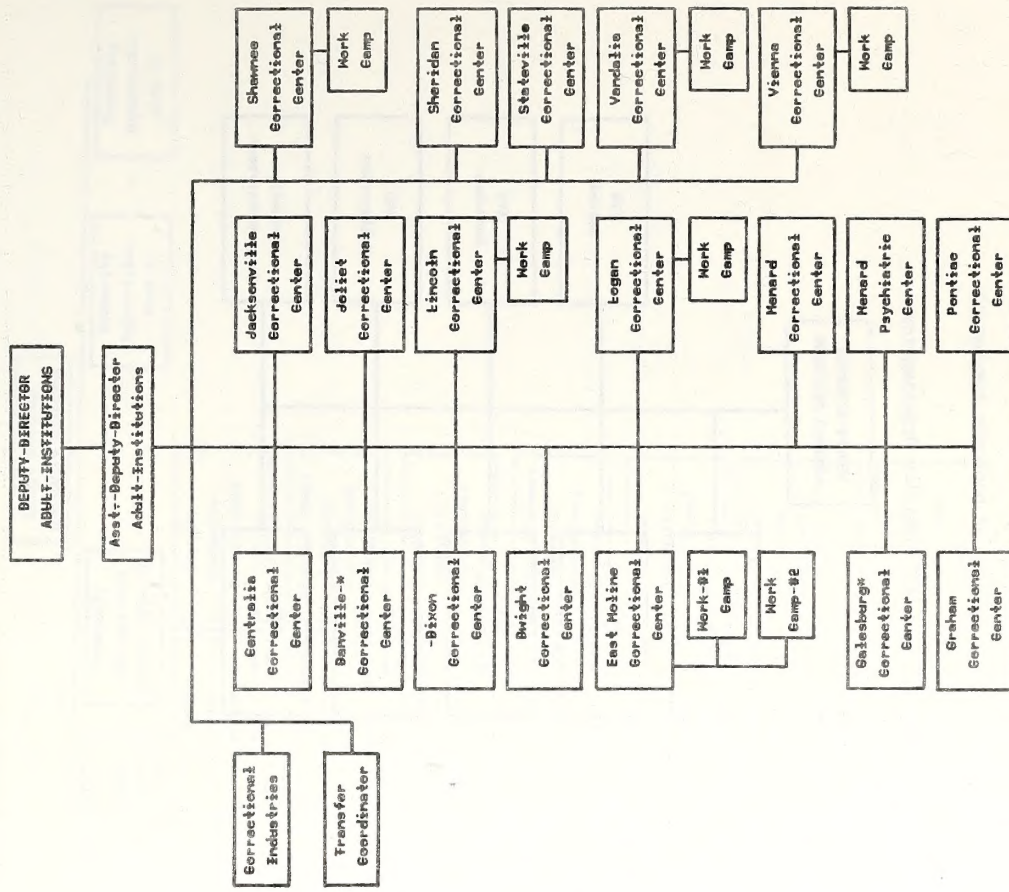
Bi-State-(females);-St.-Louis;-Missouri
 Crossroads Community Correctional Center, Chicago (male and female)
 Peoria;-Peoria
 Salvation Army (females); Chicago
 Salvation-Army-(males);-Chicago
 Sejour-House-(females);-Springfield

(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850. TABLE A Department Organization

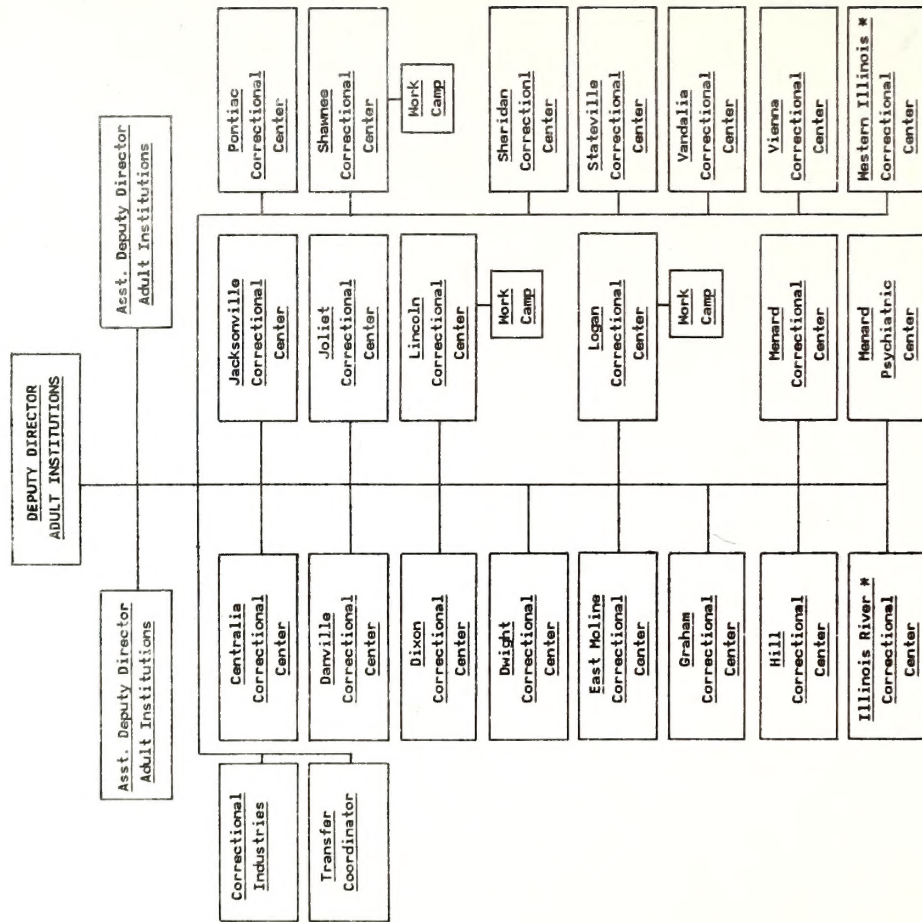


Section 850. TABLE B Adult Institutions Organization



(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

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NOTICE OF ADOPTED AMENDMENTS

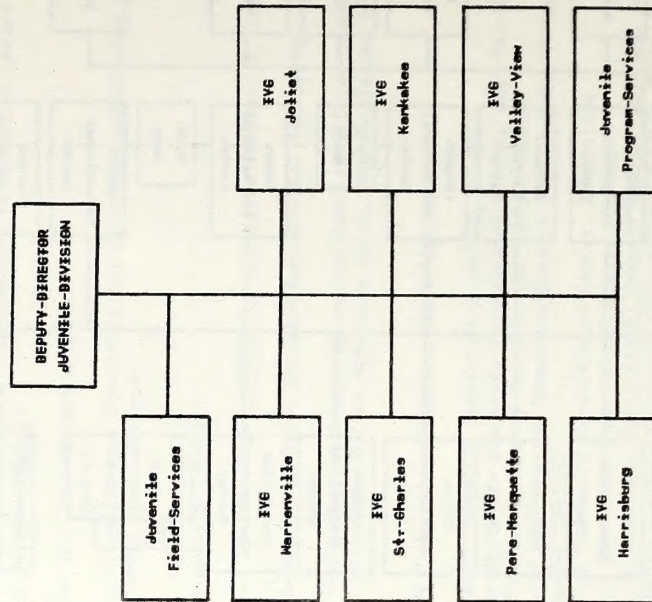


*Denotes facilities designated but not currently in operation.

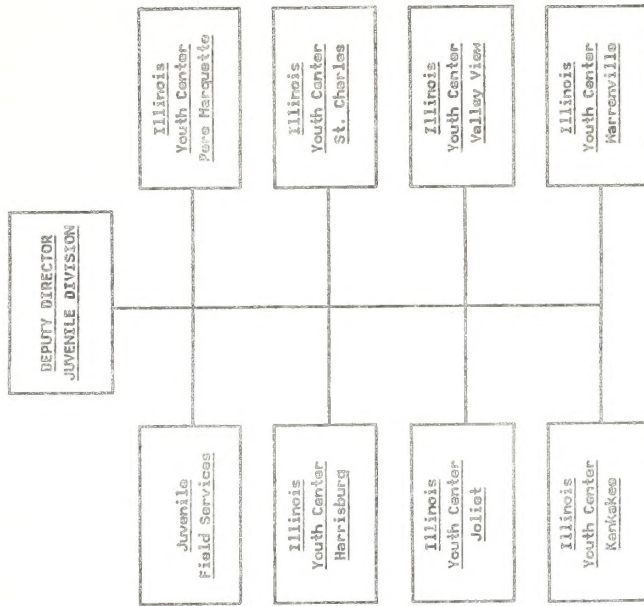
(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

Section 850. TABLE C Juvenile Division Organization



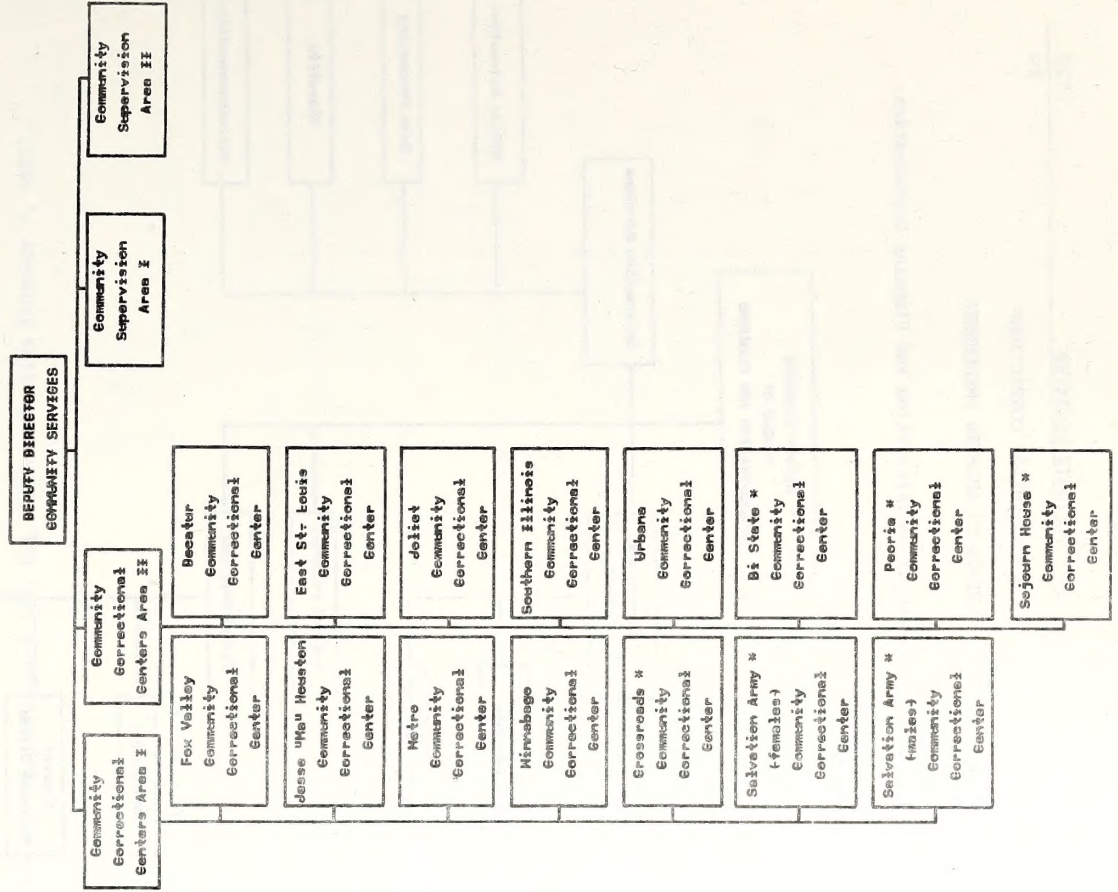
DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

DEPARTMENT OF CORRECTIONS
NOTICE OF PROPOSED AMENDMENTS

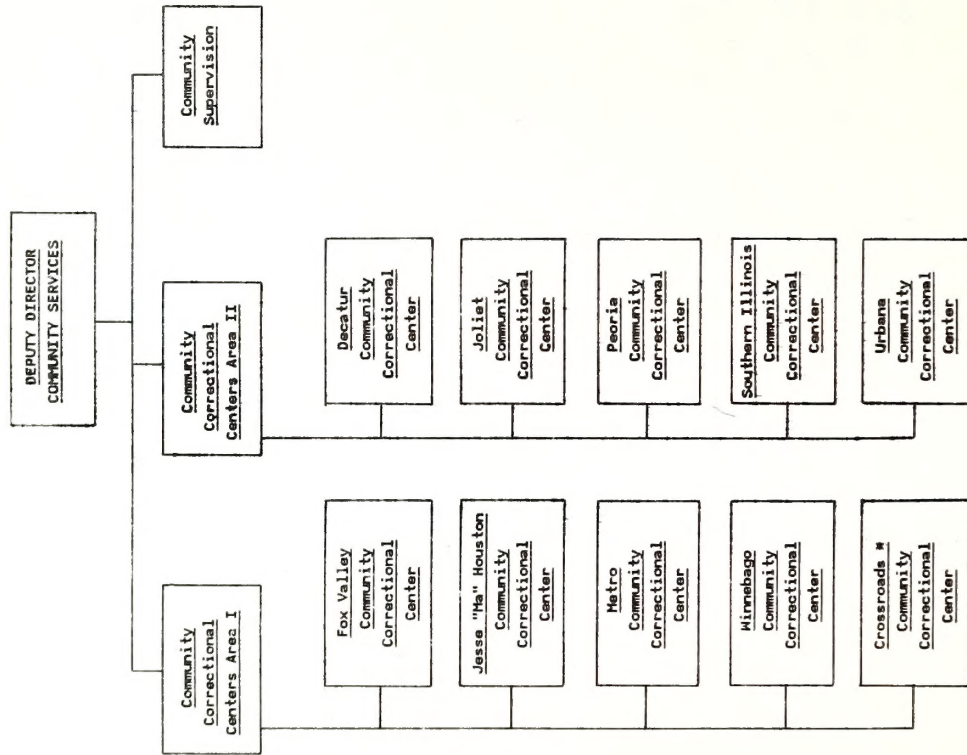
Section 650. TABLE D Community Services Organization



DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

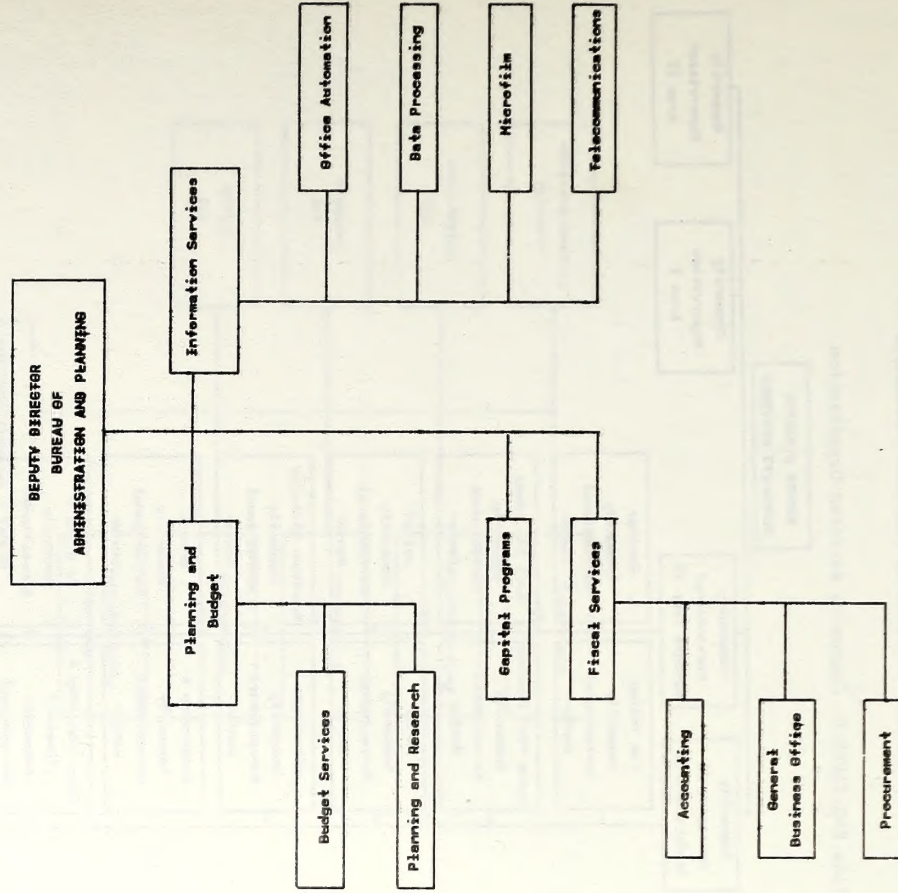
DEPARTMENT OF CORRECTIONS
NOTICE OF ADOPTED AMENDMENTS

Section 850. TABLE E Bureau of Administration and Planning Organization



*Denotes contractual facilities.

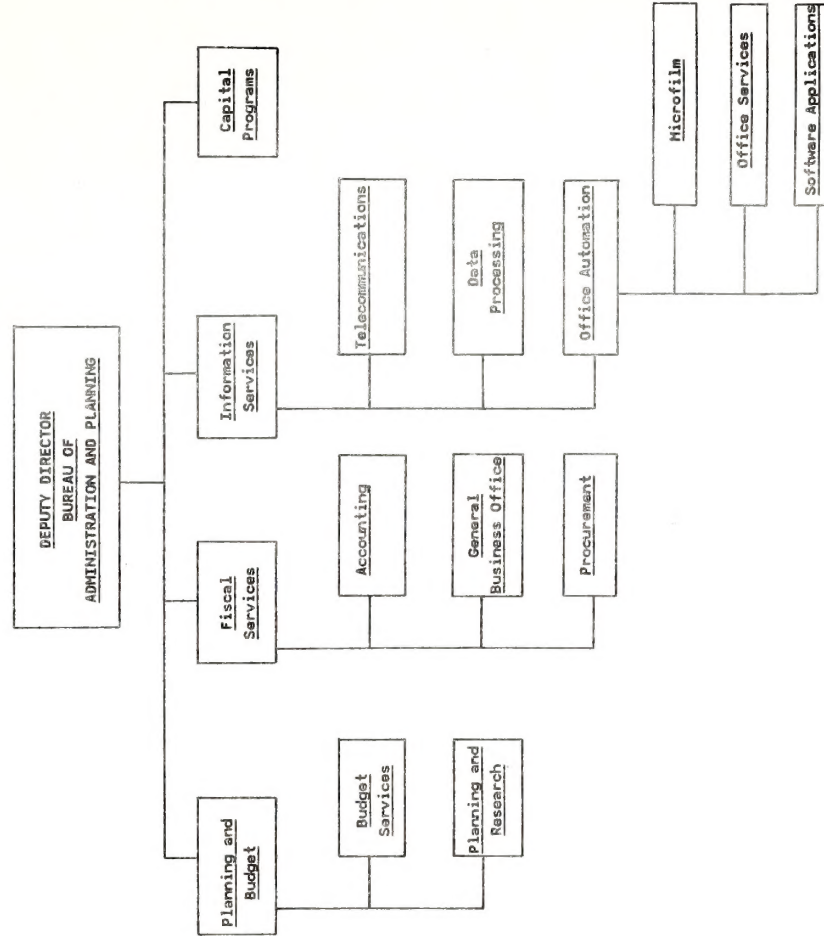
(Source: Amended at 13, Ill. Reg. 1510, effective February 1, 1989)



DEPARTMENT OF CORRECTIONS
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NOTICE OF ADOPTED AMENDMENTS

Section 850. TABLE F Bureau of Policy Development Organization (Repealed)
(Source: Repealed at 9 Ill. Reg. 2478, effective February 7, 1985)

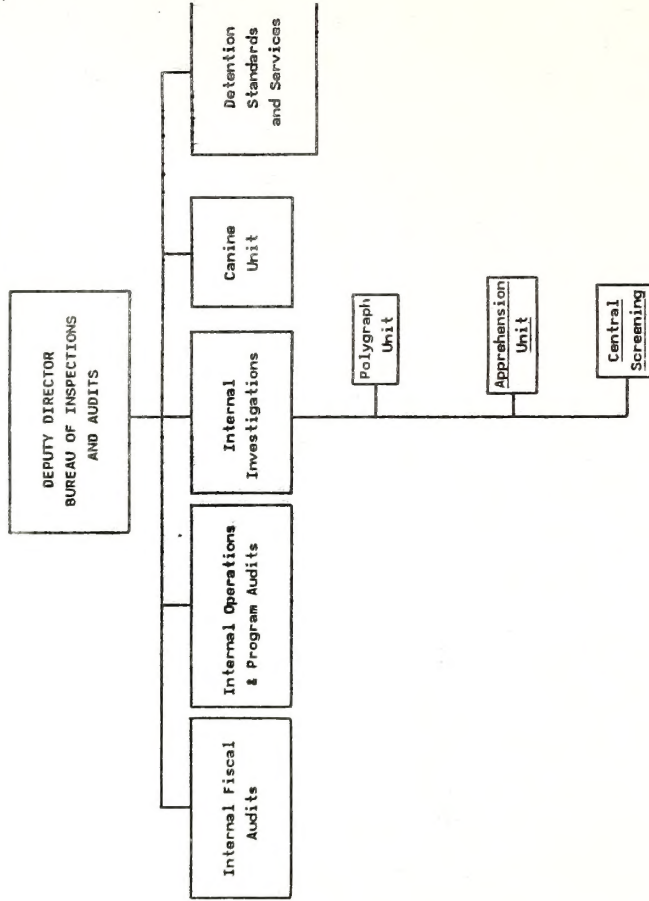


(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

NOTICE OF ADOPTED AMENDMENTS

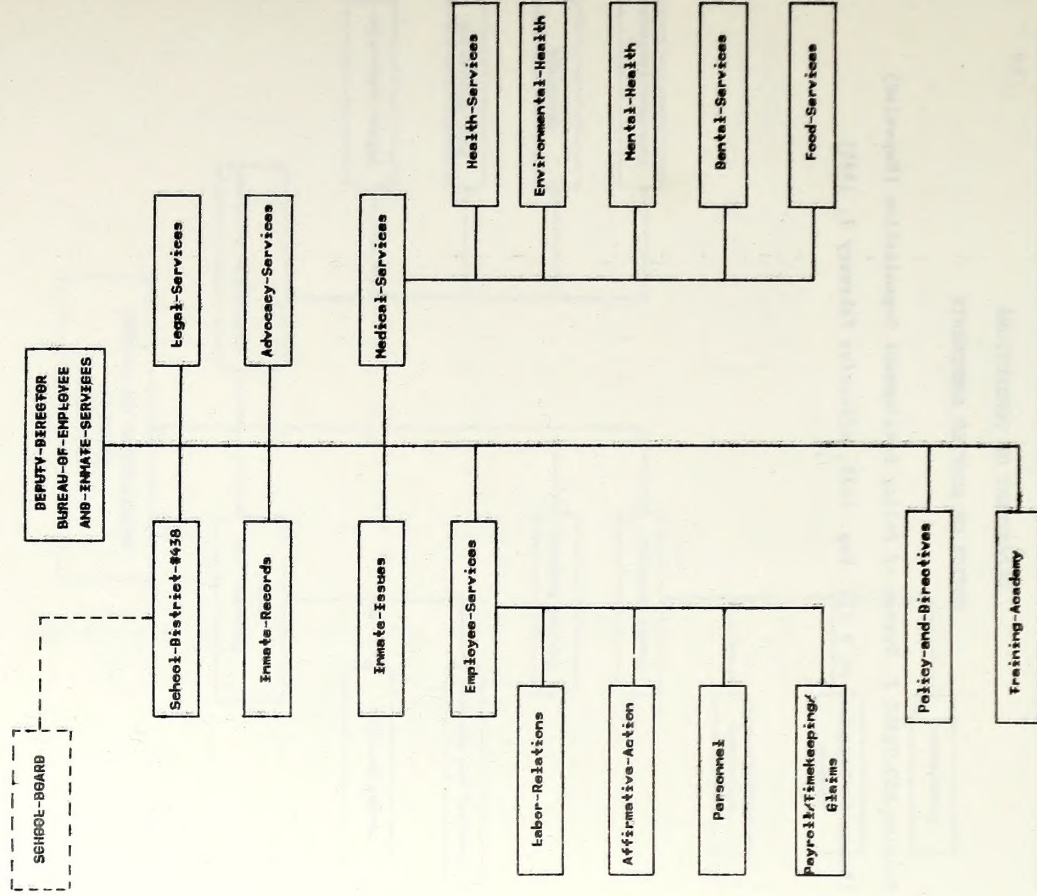
NOTICE OF ADOPTED AMENDMENTS

Section 850. TABLE G Bureau of Inspections and Audits Organization



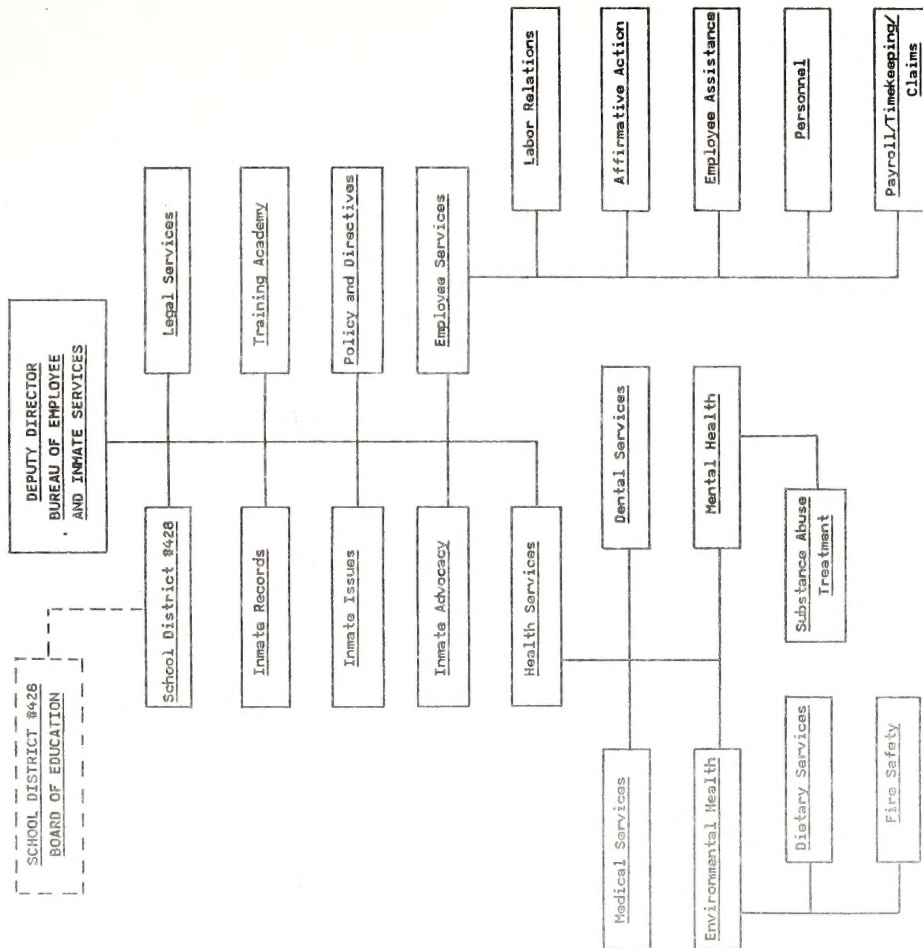
(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

Section 850. TABLE H Bureau of Employee and Inmate Services Organization



DEPARTMENT OF CORRECTIONS

NOTICE OF ADOPTED AMENDMENTS



(Source: Amended at 13 Ill. Reg. 1510, effective February 1, 1989)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Pupil Transportation
- 2) Code Citation: 23 Ill. Adm. Code 275
- 3) Section Number: 275.90 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 27-26
- 5) Effective Date of Amendments: January 23, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No ☐
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 10, 1989
- 9) Notice of Proposal Published in Illinois Register:
August 5, 1988, 12 Ill. Reg. 12745
- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: These amendments concern school bus evacuation drills. The amendments clarify that at least two drills must be conducted each school year.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: Dr. Enno Lietz
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-2948

The full text of the Adopted Amendments begins on the next page:

TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION
CHAPTER I: STATE BOARD OF EDUCATION
SUBCHAPTER h: TRANSPORTATION

PART 275
PUPIL TRANSPORTATION

Section	
275.10	Definition of a School Bus
275.20	Routing
275.30	Health Certificate Requirements
275.40	Permit Application Process
275.50	Hearings
275.60	Vehicles Designed to Carry Nine Passengers or Less Excluding the Driver
275.70	Issuance of Permit
275.80	Training
275.90	Bus Safety Training for Students
275.100	Responsibility of Local School Boards
275.110	Operating a School Bus
275.120	Special Education

AUTHORITY: Implementing Section 27-26 and Article 29 of The School Code (Ill. Rev. Stat. 1987, ch. 122, pars. 27-26 and 29-1 et seq.), Section 1-182 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-182), Sections 6-104(b) and (d) and 6-106.1 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-104(b) and (d) and 6-106.1), and Sections 11-406, 11-1202, and 11-1414 of the Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 11-406, 11-1212, and 11-1414) and authorized by Section 2-3.6 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.6) and Section 12-812(b) of the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 1/2, par 18-812(b)).

SOURCE: Illinois School Bus Transportation Rules and Regulations, amended April 18, 1974; rules repealed, new rules adopted at 2 Ill. Reg. 37, p. 201, effective September 25, 1978; codified at 7 Ill. Reg. 16507; amended at 13 Ill. Reg. 1532, effective January 23, 1989.

NOTE: Capitalization denotes statutory language.

Section 275.90 Bus Safety Training for Students

- a) Section 27-26 of The School Code requires school curriculum to include instruction in safe riding practices for all students transported by a school bus in connection with any school activity.

- b) Such instruction shall be given at least twice during each school year.
- c) Such instruction shall include at least one two emergency evacuation drill during each school year.

(Source: Amended at 13 Ill. Reg. 1532, effective Jan. 23, 1989.)

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Summer School for Gifted & Remedial Education

2) Code Citation: 23 Ill. Adm. Code 230

3) Section Number:

230.10

230.30

230.60

Adopted Action:

Amendment

Amendment

Amendment

4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 122, par. 2-3.61

5) Effective Date of Amendments: January 23, 1989

6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 10, 1989

9) Notice of Proposal Published in Illinois Register:

August 5, 1988, 12 Ill. Reg. 12747

10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

11) Difference(s) between proposal and final version:

Pursuant to discussions with the Joint Committee regarding the above-referenced rulemaking, the State Board of Education has agreed:

1. To add the term "performance" after "academic" in the fifth line of the definition of "Potential Dropout" in Section 230.10 and to delete the term "performance" after "personal" in this line and replace it with "behavior."

2. To add, after "disaffected" in the last line of the definition of "Potential Dropout" in Section 230.10, "(e.g., repeated tardiness or absence, disruptiveness, or failure to complete assignments)."

3. To add, after "judgment" in the fourth unlabeled subsection of the definition of "Remedial Students" in Section 230.10, "(e.g., based upon observation of student's actions, attendance patterns, or relationships with others)."

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

4. To rewrite Section 230.30(c), as follows:

Each application will be reviewed by State Board of Education staff to determine the extent to which the applicant has related the needs of the students to be served to the services to be provided to them and has clearly stated expectations for the program's outcomes. Evidence that an applicant has adequately related students' needs to proposed services may include, but not be limited to, plans to provide students who demonstrate deficiency in a particular academic subject area with intensive instructional support in that area, or plans to offer students exhibiting superior proficiency in a subject area advanced instruction in that area or introduction to an area requiring those skills.

5. To remove the parentheses in Section 230.30(b)(4).

6. To change the period in the first paragraph of Section 230.60 to a colon.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments:

These amendments concern grants made to school districts for summer school programs for gifted and remedial students.

The definition of "remedial students" (Section 230.10, Definitions) has been changed to include four criteria, at least one of which must be met for a student to be considered eligible for summer programs of remedial education.

Section 230.30 (Procedures and Criteria for Approval of Applications) has been amended in several places to describe four minimum standards that must be included in assessment procedures used by local districts to evaluate the effectiveness of their summer programs. These assessment procedures must also be included in the information submitted by the local district to the State Board each year.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

In Section 230.60 (Program Evaluation Standards) the State Board is now required to evaluate programs annually, and to include local assessment procedures and their effectiveness with other criteria used to judge program viability.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Name: James Mendenhall
Address: Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
Telephone: (217) 782-3810

The full text of the Adopted Amendments begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER F: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 230

SUMMER SCHOOL FOR GIFTED AND REMEDIAL EDUCATION

Section
230.10
230.20
230.30
230.40
230.50
230.60

Definitions
Eligible Applicants
Procedures and Criteria for Approval of Applications
Allocation of Funds
Distribution of Grant Awards
Program Evaluation Standards

AUTHORITY: Implementing and authorized by Section 2-3.61 of The School Code (Ill. Rev. Stat. 1987, ch. 122, par. 2-3.61).

SOURCE: Adopted at 10 Ill. Reg. 12615, effective July 9, 1986; amended at 13 Ill. Reg. 1535, effective January 23, 1989.

Section 230.10 Definitions

"Gifted/Talented Students" means those students identified in accordance with 23 Ill. Adm. Code 227.40, (Gifted Education), including students identified as displaying high level thought processes and divergent thinking pursuant to Section 14A-2 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 14A-2).

"Potential Dropout" means a student who is subject to compulsory attendance as defined in Article Section 26-1 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 26-1 et seq.) and who is identified by school district officials as a potential dropout on the basis of his or her academic performance and/or personal performance behavior. This definition includes a student whose academic and/or personal performance demonstrates to school district officials that he or she is uninvolved, unmotivated, and/or disaffected (e.g., repeated tardiness or absence, disruptiveness, or failure to complete assignments).

"Remedial Students" means those students at risk of academic failure--including potential dropouts--those who have failed a class or who may not graduate, and those with performance levels one grade or more below current placement, as evidenced by meeting at least one of the following criteria:

students who are potential dropouts as defined in Section 230.10.

STATE BOARD OF EDUCATION

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students who have failed an academic subject;

students who are not likely to graduate because of insufficient academic credits; or

students who by teacher judgment (e.g., based upon observation of students' actions, attendance patterns, or relationships with others) and assessment results demonstrate a proficiency level one grade or more below current placement level.

"Summer School" means instruction offered during that period of the calendar year not embraced within the regular school term.

(Source: Amended at 13 Ill. Reg. 1535, effective 1/23/89.)

Section 230.30 Procedures and Criteria for Approval of Applications

- a) Eligible applicants must annually submit a completed application on forms provided by the State Board of Education which will include:

- 1) a total grant request not more than the amount for which the applicant is eligible in accordance with Section 230.40;
- 2) information describing the local school district's proposed project, including the needs of remedial and gifted students and the related project activities, expected impact, expectations for improving student achievement, and evaluation assessment procedures for evaluating the program; and
- 3) a completed budget and budget summary form of proposed expenditures eligible under Section 2-3.61 of The School Code (Ill. Rev. Stat. 1985 1987, ch. 122, par. 2-3.61) and this Part.

- b) Local assessment procedures for evaluating the program as specified in Section 230.30(a)(2) must meet the following minimum standards:

- 1) assessment procedures must include systematic data collection and analysis of student needs, services provided, and results achieved;
- 2) assessment procedures must be based on good testing practices as described in "Standards for Educational and Psychological Testing" (1985) published by the American Psychological Association (No later amendments to these standards are incorporated by this rule);
- 3) assessment criteria must be uniformly applied to all students tested with a particular assessment procedure; and

STATE BOARD OF EDUCATION

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- 4) assessment procedures must include statements concerning what actions will be taken to eliminate or alleviate identified problems when analysis of the assessment data demonstrates that the applicant's expectations for improving remedial and gifted student achievement are not being met.

- c) Applications Each application will be reviewed by State Board of Education staff for soundness of design, as evidenced by the proposed activities, projected impact, and evaluation procedures, to determine the extent to which the applicant has related the needs of the students to be served to the services to be provided to them and has clearly stated expectations for the program's outcomes. Evidence that an applicant has adequately related students' needs to proposed services may include, but not be limited to, plans to provide students who demonstrate deficiency in a particular academic subject area with intensive instructional support in that area, or plans to offer students exhibiting superior proficiency in a subject area advanced instruction in that area or introduction to an area requiring those skills.

- d) An application must be submitted on or before the date specified in Section 2-3.61 of The School Code.

- e) Information provided in the application, as required in Section 230.30(a), will be reviewed by State Board of Education staff to determine that the information demonstrates compliance with Section 2-3.61 of The School Code and this Part.

- f) State Board staff will send a written notice to applicants specifying any requested information that is missing from their application. Such applicants must supply the requested information within fifteen (15) calendar days of their receipt of said notice.

- g) The State Superintendent of Education will approve applications that demonstrate compliance with Section 2-3.61 of The School Code and this Part, except that the State Superintendent shall have discretion to invoke the provisions of subsection 4e) (f) of this Section with respect to any such application submitted for final approval.

(Source: Amended at 13 Ill. Reg. 1535, effective 1/23/89.)

Section 230.60 Program Evaluation Standards

The State Board of Education will annually evaluate programs that receive funds under this Part on the basis of the following standards:-

- a) The program is operated in compliance with the provisions of Section 2-3.61 of the School Code and this Part.

STATE BOARD OF EDUCATION

NOTICE OF ADOPTED AMENDMENTS

- a) A review of program records and operations reveals that the program complies with provisions in Section 2-3.61 of The School Code and that it has been conducted in conformance with the provisions of the proposal approved by the State Superintendent of Education pursuant to the provisions of Section 230.30(g) of this Part.
- b) Application of the evaluation procedures required for each program pursuant to Section 230.30(a)(2) of this Part demonstrates that the program conducted in the preceding fiscal year has been implemented to the benefit of the students served.
- b) Local assessment procedures conform to requirements of Section 230.30(b) of this Part; have determined the degree to which students met the program's objectives; and demonstrate that student achievement has been improved or, if not, that provisions have been made to remove or alleviate problems identified as affecting student achievement results.

(Source: Amended at 13 Ill. Reg. 1535, effective 1/23/89.)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rules and Rate Filings
- 2) Code Citation: 50 Ill. Adm. Code 754
- 3) Section Numbers: 754 Exhibit B Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 73, par. 1013
- 5) Effective Date of Rule: January 23, 1989
- 6) Does this rulemaking contain an automatic repealer date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date filed in Agency's Principle Office: January 20, 1989
- 9) Notice of Proposal Published in Illinois Register: January 22, 1988, 12 Ill. Reg. 2057
- 10) Has JCAR issued a Statement of Objections to this rule? No
- 11) Differences between proposal and final version:
 - No substantive changes were made.
 - A period was removed after the caption "Section 754. Exhibit B" in the rule's text.
 - The citation to "Ill. Rev. Stat. 1985" in the Authority provision was changed to "Ill. Rev. Stat. 1987".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? No

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rule: P.A. 85-730, effective January 1, 1988, changed the Financial Responsibility requirements from \$15,000/30,000/10,000 to \$20,000/40,000/15,000. This rule is simply making the reporting requirements of Section 754 consistent with the previously adopted legislation.

16) Information and questions regarding this adopted rule shall be directed to:

Mr. Robert Heisler
Assistant Deputy Director
320 W. Washington, 4th Fl.
Springfield, Illinois 62767
(217) 782-4515

The full Text of the Adopted Amendments begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER i: ADVISORY ORGANIZATIONS

PART 754
RULES AND RATE FILINGS

Section	
754.10	Companies Must File
754.20	Other Company Filings
754.30	Documentation -- Individual Risks
754.40	Submission of Filings
754.50	Prohibited Acts and Practices
754	EXHIBIT A Summary Sheet (Form RF-3)
754	EXHIBIT B Automobile Annual Premium Comparison (Form RF-4)
754	EXHIBIT C Homeowners Annual Premium Comparison (Form RF-5)

AUTHORITY: Implementing Articles VII-A and XXVI and authorized by Section 401(a) of the Illinois Insurance Code (Ill. Rev. Stat. 1987, ch. 73, pars. 735A-1, 1028 et seq., and 1013).

SOURCE: Filed September 9, 1975, effective September 30, 1975; amended at 4 Ill. Reg. 26 p. 164, effective July 1, 1980; codified at 7 Ill. Reg. 3458; amended at 13 Ill. Reg. 1542, effective January 23, 1989.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT(S)

Section 754. EXHIBIT B, Automobile Annual Premium Comparison (Form RF-4)

AUTOMOBILE ANNUAL PREMIUM COMPARISON									
COVERAGE	Liability: \$16,200/300 \$20/40,000 Bodily Injury \$10,000 \$15,000 Property Damage		Physical Damage: \$50 Deductible Comprehensive \$1,000 Medical Payments		Uninsured Motorists \$100 Deductible \$16,200/300 \$20/40,000		Year--Age Group 1)		
	Liability	Physical Damage	Liability	Physical Damage	Uninsured Motorists	Uninsured Motorists	Year	Age	Group
CAR	Chevrolet Monte Carlo Sport Coupe (Current Model)								
DRIVERS	#1--36-year-old married principal driver, no accidents or traffic violations in last 12 years, driving eight miles each way to and from work, 1,000 miles annually. #2--16-year-old single female, principal operator (more than 50% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually. #3--20-year-old single female, principal operator (more than 50% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually. #4--20-year-old male, principal operator (more than 50% usage), no accidents or traffic violations in last five years, driving eight miles each way to and from work, 11,000 miles annually.								
	Driver #1		Driver #2		Driver #3		Driver #4		
	Liability	Physical Damage	Liability	Physical Damage	Liability	Physical Damage	Liability	Physical Damage	Liability
Arlington Hts									
Aurora									
Carbonate									
Chicago									
Cicero									
Decatur									
East St. Louis									
Evanston									
Joliet									
Peoria									
Rockford									
Springfield									
Maukegan									
Indicate any risk characteristics that will reduce or increase premiums									
Effective Date	Name of Company								

RF-4

(Source: Amended at 13 Ill. Reg. 1542, effective Jan 23, 1989)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

1) The Heading of the Part: GENERAL ASSISTANCE

2) Code Citation: 89 Ill. Adm. Code 114

3) Section Number: Adopted Action:

114.128 Amendment

4) Statutory Authority: Sections 6-8 and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, Ch. 23, Pars. 6-8 and 12-13)

5) Effective Date of Amendment: January 20, 1989

6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒

7) Does this amendment contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: January 20, 1989

9) Notice of Proposal Published in Illinois Register:

November 4, 1988 (12 Ill. Reg. 17621)

10) Has JCAR issued a Statement of Objections to this rule? No

11) Difference between proposal and final version: Based on a comment received from the Joint Committee on Administrative Rules, at line two of subsection (b), the word "registrant" is changed to "registrants".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

114.5

Amendment

December 16, 1988

(12 Ill. Reg. 20697)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Amendment: This rulemaking provides that a General Assistance Project Chance participant (City of Chicago only) will be sanctioned if he uses a supportive service payment for something other than the supportive service for which it was provided.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Name: Anita Williams, Staff Attorney
Office of Counseling and Litigation

Address: Illinois Department of Public Aid
Jesse B. Harris II Building
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114
GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section
114.1

Description of the Assistance Program

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

114.9 Client Cooperation
114.10 Citizenship
114.20 Residence
114.30 Age
114.40 Relationship
114.50 Living Arrangement
114.52 Social Security Numbers
114.60 Work Registration Requirements
114.61 Individuals Exempt From Work Registration Requirements
114.62 Job Service Registration
114.63 Failure to Maintain Current Job Service Registration
114.64 Responsibility to Seek Employment
114.70 Initial Employment Expenses
114.80 Work and Training Programs
114.100 General Assistance Jobs Program (Repealed)

SUBPART C: PROJECT ADVANCE

Section

114.108 Project Advance
114.109 Project Advance Participation Requirements of Adjudicated Fathers
114.110 Project Advance Cooperation Requirements of Adjudicated Fathers
114.111 Project Advance Sanctions
114.113 Project Advance Good Cause for Failure to Comply
114.115 Individuals Exempt From Project Advance
114.117 Project Advance Supportive Services

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

SUBPART D: PROJECT CHANCE

Section	
114.120	Employment, Training, Rehabilitation, and Advocacy for General Assistance Programs Administered by the Illinois Department of Public Aid
114.121	Persons Required to Participate in Employment and Training
114.122	Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act
114.123	Persons in Need of Work Rehabilitative Services (WRS) to Become Employable
114.124	Employment and Training Participation/Cooperation Requirements
114.125	Employment and Training Program Orientation
114.126	Employment and Training Program Full Assessment Process/Development of an Employment Plan
114.127	Employment and Training Program Components
114.128	Employment and Training Sanctions
114.129	Good Cause For Failure to Cooperate With Work and Training Participation Requirements
114.130	Employment and Training Supportive Services
114.140	Employment Child Care

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section	
114.200	Unearned Income
114.201	Budgeting Unearned Income
114.202	Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.203	Initial Receipt of Unearned Income
114.204	Termination of Unearned Income
114.210	Exempt Unearned Income
114.220	Education Benefits
114.221	Unearned Income In-Kind
114.222	Earmarked Income
114.223	Lump Sum Payments
114.224	Protected Income
114.225	Earned Income
114.226	Budgeting Earned Income
114.227	Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
114.228	Initial Employment
114.229	Termination of Employment
114.230	Exempt Earned Income
114.235	Recognized Employment Expenses

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section	
114.240	Income From Work/Study/Training Program
114.241	Earned Income From Self-Employment
114.242	Earned Income From Roomer and Boarder
114.243	Earned Income From Rental Property
114.244	Earned Income In-Kind
114.245	Payments from the Illinois Department of Children and Family Services
114.246	Budgeting Earned Income For Contractual Employees
114.247	Budgeting Earned Income For Non-contractual School Employees
114.250	Assets
114.251	Exempt Assets
114.252	Asset Disregards
114.260	Deferral of Consideration of Assets
114.270	Property Transfers
114.280	Supplemental Payment

SUBPART F: PAYMENT AMOUNTS

Section	
114.350	Payment Levels for General Assistance
114.351	Payment Levels in Group I Counties
114.352	Payment Levels in Group II Counties
114.353	Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section	
114.400	Persons Who May Be Included In the Assistance Unit
114.401	Eligibility of Strikers
114.402	Special Needs Authorizations
114.403	Institutional Status
114.404	Retrospective Budgeting
114.405	Budgeting Schedule
114.420	Redetermination of Eligibility
114.430	Six Month Extension of Medical Assistance Due to Increased Income From Employment

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, pars. 6-1 et seq. and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; emergency amendment at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982;

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10 Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E reclassified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 reclassified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment a 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE

Section 114.128 Employment and Training Sanctions

- a) Clients who fail to cooperate with Project Chance shall be subject to sanctions.

- 1) Persons who fail to cooperate with the requirements of employment, and training, after having received a Project Chance assessment shall be ineligible for General Assistance for three (3) months for the first instance of non-cooperation and for six (6) months for each subsequent instance of non-cooperation.

- 2) The client who has been sanctioned shall have an opportunity to cure his/her non-cooperation at any time and be reinstated on General Assistance by signing a written intent to cooperate. Reinstatement shall be effective the date the client signs the written intent to cooperate. A client may cure non-cooperation in this way only once each twelve (12) month period. When a cure is made in this manner, non-cooperation will be treated as if it did not happen for purposes of

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.128 Employment and Training Sanctions (Cont'd.)

whether a new instance of non-cooperation will result in a three (3) or a six (6) month sanction.

b) Sanctions shall be imposed against those mandatory registrants who have received a full assessment and who refuse or fail to participate without good cause in Project Chance (see Section 114.129 for good cause).

- 1) Sanctioning will result from one (1) instance of any of the following:

- A) refusal/failure to respond to a job referral;
- B) refusal/failure to accept a bona fide offer of suitable employment (see Section 114.124;
- C) discontinuing suitable employment (including quitting a job after placement and before cancellation) without good cause (see Section 114.129); or

- D) reducing suitable employment (i.e., hours of employment) without good cause (see Section 114.129); or

- E) use of a supportive service payment (see Section 114.130) for something other than the supportive service for which it was provided.

- 2) A sanction will be imposed when a mandatory registrant fails to comply, without good cause, with the following Project Chance requirements on one (1) occasion, unless otherwise indicated:

- A) A mandatory registrant fails, without good cause, or refuses to respond to a written notice for an appointment. If the mandatory registrant arrives anytime within thirty (30) minutes of the start of the scheduled meeting, the mandatory registrant will be considered present. If the mandatory registrant has good cause (see Section 114.129) for being more than thirty (30) minutes late, the tardiness will be

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.128

Employment and Training Sanctions (Cont'd.)

excused. The Project Chance worker will include the mandatory registrant in a scheduled group or other meeting or re-schedule the mandatory registrant for another meeting;

- B) A mandatory registrant refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in the employment plan;

- C) Registrants who fail to cooperate in Job Search one (1) time without good cause after assessment, shall be sanctioned. Each missed session is considered an instance of non-cooperation. Failure of a mandatory registrant to make the required twenty (20) employer contacts in a thirty (30) day period, shall result in a sanction (see Sections 114.124(c)), and 114.129);

- D) A registrant in the Work Experience component must report to the work assignment every day scheduled. Failure to attend the work assignment one (1) day in a thirty (30) day period, or failure to report to the job assignment initially shall result in a sanction. Each missed assignment is considered an instance of non-cooperation during a thirty (30) day period. Failure of a registrant to make the eight (8) required job contacts in a thirty (30) day period without good cause, shall result in a sanction (see Sections 114.124(c) and 114.129);

- E) After a mandatory registrant agrees to participate in a Pre-Employment activity, he/she must maintain a satisfactory level of attendance as established by the educational facility. However, failure to attend training or education classes three (3)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.128

Employment and Training Sanctions (Cont'd.)

times in a thirty (30) day period without good cause, shall result in a sanction (see Section 114.129);

- F) The mandatory registrant must attend all Job Club meetings scheduled. Failure to attend one (1) job search session without good cause shall result in a sanction. Failure of a mandatory registrant to make the twenty (20) required employer contacts in a thirty (30) day period, or failure to make employer contacts as required by the Job Club, shall result in a sanction (see Sections 114.124(c) and 114.129).

- G) Failure of a mandatory participant to attend training as specified for the Special Projects, shall result in a sanction.

- 3) A Project Chance sanction shall be imposed only on mandatory registrants who have received a full assessment (see Section 114.126 for assessment criteria).

- 4) No Project Chance sanction will be imposed until Project Chance staff has sent the mandatory registrant a written notice scheduling a meeting to determine whether or not the mandatory registrant had good cause for his/her failure to comply with Project Chance requirements, or is unable to comply, and the registrant has either failed to attend the meeting without good cause or failed to show good cause. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the mandatory registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

- 5) A Project Chance sanction will be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the mandatory registrant establishes good

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENT

Section 114.128 Employment and Training Sanctions (Cont'd.)

cause (see Section 114.129 for good cause criteria).

- 6) The notice of change form issued for a Project Chance sanction shall include the following:

- A) a description of the acts of noncooperation with Project Chance, including dates where applicable;
- B) a statement that the mandatory registrant's acts were without good cause (see 114.129 for good cause criteria) and if the client provided a good cause reason why the reason was rejected; and

- C) in addition, the following language will be required: You will be sanctioned until (last day of sanction period). In order for General Assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application for General Assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

(Source: Amended at 13 Ill. Reg. 1546, effective January 20, 1989)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Approval of Racing Officials
- 2) Code Citation: 11 Ill. Adm. Code 422
- 3) Section Numbers: Adopted Action:
422.20 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch.8,
par. 9(b).
- 5) Effective Date of Amendments: January 23, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this amendment contain incorporations by reference?
No.
- 8) Date Filed in Agency's Principal Office: December 17,
1988
- 9) Notice of Proposed Rulemaking Published in Illinois Register:
12 Ill. Reg. 13922, September 2, 1988
- 10) Has JCAR issued a Statement of Objections to this rule?
No.
- 11) Difference between proposal and final version:
The Authority noted was updated. Periods were placed at the end of Sections 422.20(a)(1)(G) and 422.20(a)(3).
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part?
No.

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

The amendment requires documents relating to racing officials to be filed directly with the Board and not the Illinois State Police.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
Address: State of Illinois Center
Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601

Telephone: (312) 917-2600

The full text of the Adopted Amendments begins on the next page:

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ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER 1: ILLINOIS RACING BOARD

SUBCHAPTER b: RULES APPLICABLE TO ORGANIZATION LICENSEES

PART 422

APPROVAL OF RACING OFFICIALS

Section

422.10	Racing Officials
422.20	Approval of New Officials
422.30	Standards for Approval and Disapproval of Officials
422.40	Recommendation of Board
422.50	Suspension and Removal of Officials
422.60	Conflict of Interest Provisions
422.70	Emergency Approval
422.80	Physical Examination
422.90	Officials Approved by the Stewards
422.100	Occupation License
422.110	Penalties

AUTHORITY: Implementing and authorized by the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, pars. 37-1 et seq.); see in particular paragraphs 37-9(b)), and 37-9(j).

SOURCE: Adopted at 5 Ill. Reg. 10341, effective September 25, 1981; codified at 5 Ill. Reg. 10905; amended at 10 Ill. Reg. 10141, effective May 27, 1986; amended at 13 Ill. Reg. 1558, effective January 23, 1989.

Section 422.20 Approval of New Officials

a) The organization licensee shall file the following documents with respect to each nominee who was not previously approved by the Board as a racing official:

- 1) A complete application which must include the following information:
 - A) Date of birth,
 - B) Social security number,
 - C) Home address,
 - D) Home telephone number,
 - E) Names of previous employers,
 - F) Phone numbers and contact person for verification of prior employment, and
 - G) Educational background.
 - 2) A signed statement ("Authorization for Release of Information Form") authorizing the release of information to the Illinois Department of Law Enforcement and the Board.
 - 3) A completed FBI Fingerprint Card.
- b) The documents shall be filed directly with the Illinois-Department--of

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

Law--Enforcement Board at least sixty days prior to the opening of the race meeting.

(Source: Amended at 13 Ill. Reg. 1558, effective January 23, 1989)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Numbers: Adopted Action:
502.120 Amendment
502.600 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 8,
par. 37-9(b), 37-15.
- 5) Effective Date of Amendments: January 23, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference?
No.
- 8) Date Filed in Agency's Principal Office: December 17,
1988
- 9) Notice of Proposed Rulemaking Published in Illinois Register:
12 Ill. Reg. 17755, November 4, 1988
- 10) Has JCAR issued a Statement of Objections to this rule?
No.
- 11) Difference between proposal and final version:
The phrase "to the licensing office" was added after "presentation" in Section 502.120(d). The term "decedent" is used throughout.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will this amendments replace an emergency amendment currently in effect? No.
- 14) Are there any amendments pending on this Part?
Section Number Action
502.40 Amendment

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

The amendments establish procedures for the licensing of a person with authority to enter the horse(s) of a sole owner who has died and whose horses have not passed pursuant to the prescribed mechanisms for transferring estate property.

16) Information and questions regarding this adopted amendment shall be directed to:

Name: Michael B. McClure
Board Counsel
Address: State of Illinois Center
Illinois Racing Board
Suite 11-100
100 West Randolph Street
Chicago, Illinois 60601

Telephone: (312) 917-2600

The full text of the Adopted Amendments begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER c: RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502
LICENSING

SUBPART A: PROCEDURE

Section
502.10
502.20
502.30
502.40
502.50
502.55
502.58

Submission of Application
Complete Application
License Fees
Duration and Extent of Occupation Licenses
Rulings and Hearings
Denial of License
License to Participate

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section
502.60
502.72
502.76
502.78
502.80
502.90
502.100
502.102
502.104

Denial of License for Criminal Conviction
First-Time Applicant Who Has Been Convicted of a Crime
Prohibitions Against Persons on Probation
Probationary Nature of Licenses
Unqualified to Perform the Duties
Falsifying Answers or Omitting Facts
Just Cause
Burden of Going Forward
Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section
502.110
502.115

Criteria for Determining Eligibility
Standards Required of All Applicants

SUBPART D: OWNERS

Section
502.120

Owners

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

Section
502.200

Trainers and Assistant Trainers

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989.

SUBPART D: OWNERS

Section 502.120 Owners

- An applicant for an owner's license shall own, in whole or in part, or lease a horse eligible to race at the race meeting where the applicant seeks to participate. The horse must be under the care of a trainer licensed by the Board.
- If younger than 18 years of age, an applicant for an owner's license shall submit an affidavit from a parent or legal guardian stating that the parent or legal guardian shall assume legal responsibility for the applicant's financial, contractual, or other obligations relating to the applicant's participation in racing if the license is granted. A parent or legal guardian submitting such an affidavit shall also submit the information required in subsection (c) below.
- An applicant for an owner's license shall be capable of meeting the financial obligations incurred in the ownership, stabling, racing, training, and care of a race horse.

d) Owners licenses are personal in nature and expire upon the death of the licensee, and thereafter are void and without effect as a pre-requisite for the entry of a horse. When the decedent was the sole owner the only mechanism by which a deceased owner's horse(s) may be entered before the property rights in those horses have been fully and completely transferred through legacy, intestate succession or authorized sale, is as follows: upon presentation to the licensing office of letters of administration or letters testamentary issued by a court of competent jurisdiction, or small estate affidavit, the person named in the letter or affidavit shall be licensed as an authorized agent of the estate of the decedent and allowed to enter the horse(s) formerly owned by the decedent, subject to any limitations imposed by the court.

(Source: Amended at 13 Ill. Reg. 1562, effective January 23, 1989)

SUBPART H: OTHER LICENSEES

Section 502.600 Authorized Agents

An applicant for an authorized agent's license shall submit with his license application a written agency appointment authorizing the applicant to act on behalf of a licensed owner or licensed trainer in racing matters not directly

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

502.210 Prospective Trainers or Assistant Trainers
502.220 Workers' Compensation

SUBPART F: JOCKEYS AND APPRENTICE JOCKEYS

Section
502.230 Jockeys and Apprentice Jockeys
502.235 Apprentice Jockeys, Criteria for Eligibility
502.238 Apprentice Contract or Certificate

SUBPART G: DRIVERS

Section
502.250 Harness Driver
502.260 Prospective Harness Drivers
502.270 "Q" Licenses
502.280 "P" Licenses
502.290 "A" Licenses

SUBPART H: OTHER LICENSEES

Section
502.300 Veterinarians
502.320 Veterinary Assistant
502.350 Farriers (Blacksmiths)
502.380 Exercise Riders
502.400 Pony Person
502.400 Stable Foreman
502.450 Jockey Agents
502.500 Authorized Agents
502.600 Tack Shop Operators and Other Vendors
502.650 Vendor Helper
502.660 Thoroughbred Grooms
502.680 Harness Grooms
502.690 Hotwalker
502.700 Totalizator Employee

SUBPART I: CONFLICTS OF INTEREST

Section
502.800 General Provisions
502.820 Dual Licensing
502.830 Limitations on License
502.840 Husbands and Wives
502.850 Transfer of a Horse

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (Ill. Rev. Stat. 1987, ch. 8, pars. 37-15 and 37-9(b)).

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENT(S)

related to the care and training of horses. This authorization shall be on a form provided by the Board and shall define the powers, limits, and terms of the agency. The authorization shall be signed by the principal and said authorization shall be notarized. A separate, notarized agency appointment shall be required for each principal. All such agencies shall remain in effect for the duration of the licensing year unless the principal submits written and notarized notification of revocation of the agency appointment to the stewards at the meeting where the principal is racing. Authorized agents may also be licensed as specified in Section 502.120(d).

(Source: Amended at 13 Ill. Reg. 1562, effective January 25, 1989)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Tools, Equipment, Supplies and Initial Stock
- 2) Code Citation: 89 Ill. Adm. Code 597
- 3) Section Numbers:
597.20
597.150
Adopted Action:
amendment
new section
- 4) Statutory Authority: 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k))
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 23, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 20, 1989
- 9) Notice of Proposal Published in Illinois Register:
January 29, 1988, 12 Ill. Reg. 2197
(issue date)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:
 - A) Statement of Objection: (issue date), Ill. Reg.
 - B) Agency Response: (issue date), Ill. Reg.
 - C) Date Agency Response Submitted for Approval to JCAR:
- 11) Difference(s) between proposal and final version: Pursuant to agreements with staff of the Joint Committee on Administrative Rules, the following changes have been made:
 1. To add the language "as determined from the Thorough Diagnostic Study (89 Ill. Adm. Code 552.90)" after the words "need for such employment" in Section 597.20.

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

2. To delete the language "to establish the business on a sound basis" and to replace it with the language "as shown by loan papers and bank account balances" after the words "business loans are available" in Section 597.20.
3. To add the following language "as established by a market survey, projected balance sheet estimating operational costs and revenues, a plan for development of the business, testimonials by professionals in that business, signed contracts and sub-contracts, and opinions from consultants in that area as needed" after the words "and his/her family" in Section 597.20.
4. To add the language "after the business has been approved and established by DORS" after the words "indicating profit or loss" in Section 597.20.
5. To add the following language "(see 89 Ill. Adm. Code 597.200 and 597.300)" after the word, "modification" in Section 597.150.
6. To add the following language "although no specific dollar amount of coverage is required" after the words "liability coverage" in Section 597.150.
7. To change the date "1985" to "1987" in the Authority Note.
8. To rewrite the Source Note to read:
SOURCE: Adopted at 9 Ill. Reg. 8843, effective June 10, 1985; amended at 10 Ill. Reg. 10749, effective June 4, 1986; amended at 11 Ill. Reg. 4320, effective March 2, 1987; amended at 11 Ill. Reg. 15229, effective August 31, 1987; amended at 11 Ill. Reg. 19133, effective November 9, 1987; amended at 13 Ill. Reg. _____, effective _____.
9. To change Section "(j)" to Section "(k)" in the Authority Note.
10. To change the semicolon to a comma after the language "a plan for development of the business" in the second sentence in Section 597.20.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?

Yes

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: No

Section Numbers Proposed Action Illinois Register Citation

15) Summary and Purpose of Rule(s):

Amendments to Section 597.20 promulgate policies concerning documentation which a vocational rehabilitation client of the Department must furnish prior to the provision of services contained in Part 597.

New Section 597.150 requires a certification of liability insurance from vendors providing van, auto, or home modifications for the Department's clients.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429
Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 597

TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

- 597.10 General Applicability
- 597.15 Purchase of Tools, Equipment, and Stock
- 597.20 Tools, Equipment, Supplies and Initial Stock
- 597.100 Services not Available
- 597.150 Vendor Requirements
- 597.200 Adaptive Equipment for Vehicles
- 597.300 Home Modifications
- 597.310 Written Agreements for Home Modifications
- 597.320 Capital Development Board Specifications
- 597.330 Electronic Equipment
- 597.400 Responsibility for Sales Tax and Interest/Service Charges
- 597.410 Bidding Requirements

AUTHORITY: Implementing and authorized by Sections 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a),(b), and (k)).

SOURCE: Adopted at 9 Ill. Reg. 8843, effective June 10, 1985; amended at 10 Ill. Reg. 10749, effective June 4, 1986; amended at 11 Ill. Reg. 4320, effective March 2, 1987; amended at 11 Ill. Reg. 15229, effective August 31, 1987; amended at 11 Ill. Reg. 19133, effective November 9, 1987; amended at 13 Ill. Reg. 1568, effective January 23, 1989.

Section 597.20 Tools, Equipment, Supplies and Initial Stock

Tools, equipment, supplies, and initial stock, (i.e., necessary to begin a business), provided to a client as part of the Individualized Written Rehabilitation Program (IWRP) (89 Ill. Adm. Code 572) are the property of DORS. Prior to the provision of these services, the client must furnish complete evidence of his/her qualifications for, interests in, and need for such employment as determined from the Thorough Diagnostic Study (89 Ill. Adm. Code 552.90); that personal funds and/or business loans are available as shown by loan papers and bank account balances; and that the proposed enterprise offers a reasonable chance for a successful and long-range occupation with eventual actual net earnings to meet the major portion of usual living expenses for the client and his/her family as established by a

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

market survey, projected balance sheet estimating operational costs and revenues, a plan for development of the business, testimonials by professionals in that business, signed contracts and sub-contracts, and opinions from consultants in that area as needed. The client must provide the counselor with monthly income statements indicating profit or loss after the business has been approved and established by DORS. The client must maintain the tools, equipment and supplies in good repair. Title to such goods shall be assigned to the client after six months from date of installation or use by the client if the goods are still in use for the purpose identified in the IWRP and have been kept in good repair.

(Source: Amended at 13 Ill. Reg. 1568, effective January 23, 1989.)

Section 597.150 Vendor Requirements

Vendors providing van, auto, or home modification (see 89 Ill. Adm. Code 597.20 and 597.300) for DORS' clients must provide DORS with a certificate of insurance verifying liability coverage although no specific dollar amount of coverage is required.

(Source: Added at 13 Ill. Reg. 1568, effective January 23, 1989.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Training Services
- 2) Code Citation: 89 Ill. Adm. Code 592
- 3) Section Numbers: Adopted Action:
592.45 new section
- 4) Statutory Authority: Section 3(a),(b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars 3434(a),(b), and (k))
- 5) Effective Date of Rule(s) (Amendments, Repealer): January 23, 1989
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 20, 1989
- 9) Notice of Proposal Published in Illinois Register:
January 22, 1988, 12 Ill. Reg. 2092
(issue date)

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No If answer is "yes," please complete the following:

- A) Statement of Objection: (issue date), Ill. Reg.
 - B) Agency Response: (issue date), Ill. Reg. _____
 - C) Date Agency Response Submitted for Approval to JCAR: _____
- 11) Difference(s) between proposal and final version: Pursuant to agreements with the staff of the Joint Committee on Administrative Rules, the following changes have been made:
 1. The following language has been added to Section 592.45:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

- a) after "Board of Education," the Department added "(see 23 Ill. Adm. Code 1, 25, 254, 401 and 451), or the Board of Higher Education (see 23 Ill. Adm. Code 1000, 1010, 1030 and 1050), or the Illinois Community College Board (see 23 Ill. Adm. Code 1501)," and
 - b) after the "Department of Registration and Education," the Department added "(see Subchapter b of Chapter I of Title 68 of the Code)."
2. Updated the citation to the Illinois Revised Statutes to reflect the 1987 Illinois Revised Statutes as amended by Public Act 85-1381. In addition, the Department replaced the citation to "par. 3434(j)" with "par. 3434(k)."
 3. In Section 592.45 the Department replaced "Registration and Education" with "Professional Regulation."
 4. In the Table of Contents, Section 592.45, the Department added an "s" at the end of the word "Qualification."
 5. Cited to volume 13 of the Illinois Register in its final source notes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
Yes No
 - 13) Will this rule replace an Emergency Rule(s) currently in effect? No
 - 14) Are there any amendments pending on this Part: Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 592.30 | amendment | 12 Ill. Reg. 4788 |
| 592.55 | new section | 12 Ill. Reg. 4788 |
- 15) Summary and Purpose of Rule(s): This Section sets forth requirements for training institutions which the Department will use in conjunction with the vocational rehabilitation of its clients.
 - 16) Information and answers to questions regarding this adopted rule shall be directed to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENT

Ms. Leigh Reed
Regulations and Procedures Section
Department of Rehabilitation Services
P.O. Box 19429
Springfield, Illinois 62794-9429

Telephone number: (217) 785-3896
T.D.D.: (217) 782-5734

The full text of Adopted Rule(s) begins on the next page:

ILLINOIS REGISTER

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 592
TRAINING SERVICES

Section

592.10 General Applicability
592.20 Training Objectives
592.30 Insurance Requirement
592.40 Transportation
592.45 Training Institution Qualifications
592.50 Tuition
592.60 Graduate School Training
592.70 Books and Supplies
592.80 Grades
592.90 On-the-Job Training

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of "AN ACT in relation to rehabilitation of disabled persons" (Ill. Rev. Stat. 1987, ch. 23, pars. 3434(a), (b), and (k)), as amended by Public Act 85-1381, effective September 1, 1988).

SOURCE: Adopted at 9 Ill. Reg. 8850, effective June 10, 1985; amended at 11 Ill. Reg. 9958, effective May 8, 1987; amended at 11 Ill. Reg. 20211, effective November 30, 1987; amended at 13 Ill. Reg. 1573, effective January 23, 1989.

Section 592.45 Training Institution Qualifications

Training institutions (academic or vocational/technical) must be approved by, or registered with, the State Board of Education (see 23 Ill. Adm. Code 1, 25, 254, 401, and 451), or the Board of Higher Education (see 23 Ill. Adm. Code 1000, 1010, 1030 and 1050), or the Illinois Community College Board (see 23 Ill. Adm. Code 1501), or registered with the Department of Professional Regulation (see 68 Ill. Adm. Code: Chapter I, Subchapter b).

(Source: Added at 13 Ill. Reg. 1573, effective January 23, 1989)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois - Social Security Unit

2) Code Citation: 80 Ill. Adm. Code 1570

Section Numbers:	Adopted Action:
1570.40	Amended
1570.60	Repealed
1570.70	Amended
1570.80	Amended
1570.90	Amended
1570.100	Amended
1570.110	Repealed
1570.150	Repealed
1570.160	Amended

- 4) Statutory Authority: Implementing and authorized by the Social security Enabling Act (Ill. Rev. Stat. 1987, Ch. 108½, pars. 21-101 et seq.) and Section 9002 of the Omnibus Budget Reconciliation Act of 1986 (26 U.S.C. 3126).

5) Effective Date of Rules: January 23, 1989

- 6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule contain incorporations by reference? No

8) Date filed in agency's principal office: December 30, 1988

9) Notice of proposal published in Illinois register: September 9, 1988, 12 Ill. Reg. 14122

- 10) Has JCAR issued a statement of objection to this rule? Yes

A) Statement of objection: December 30, 1988, 12 Ill. Reg. 22492

B) Agency Response: February 3, 1989; 13 Ill. Reg. 1626

C) Date Agency Response Submitted for Approval to JCAR: December 29, 1988

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

- 11) Differences between proposal and final versions:

The Statutory Authority has been changed to include Section 9002 of the Omnibus Budget Reconciliation Act of 1986 (26 U.S.C.3126)

The heading for Section 1570.70 in the table of contents has been corrected to read the same as the heading in the text.

The following text has been added in Section 150.70(a) after the phrase "Internal Revenue Service Publications": (such as Circular E, "Employer's Tax Guide").

The following sentence has been added at the beginning of Section 1570.70(b): "Upon notification to the State Agency by the Social Security Administration of reports and deductions due, the State Agency shall notify the entity within ten (10) business days of receipt of such notice."

The heading "General Conditions For Recovery of Administrative Expenses" has been added to section 1570.100(a).

The proposed version shows an amendment in Section 1570.120(a) and (b) changing social security "Unit" to Social Security "Division". Subsequent to the proposed amendment, the division has reverted back to a unit within the organizational structure of the State Employees' Retirement System of Illinois, eliminating the need for any amendment to Section 1570.120.

The other changes are grammatical in nature and not substantive.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule (amendments, repealer) replace an emergency rule (amendment, repealer) currently in effect? No

14) Are there any amendments pending on this part? No

15) Summary and Purpose of Amendments?

The Omnibus Budget Reconciliation Act of 1986, Public Law 99-509, enacted on October 21, 1986, relieved the States of the liability for the collection of social security contributions and wage reporting for state and local governments effective with wages paid after December 31, 1986. The States retained the responsibility for establishing new coverage for state and local government employees and also remains liable for social security contributions and wage reporting for all covered wages paid prior to January 1, 1987. These amendments reflect the changes mandated by PL-99-509.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

16) Information and questions regarding this adopted rule (amendments, repealer) shall be directed to:

Name: Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
Address: P.O. Box 19255-2815 West Washington St.
Springfield, IL 62708-9255
Telephone: 217-753-0440

The full text of the Adopted Rule(s) (Amendments) begins on the next page:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER 1: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1570

THE ADMINISTRATION AND OPERATION OF THE STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS-SOCIAL SECURITY UNIT

Section	
1570.5	Introduction
1570.10	Expenses Incurred Establishing Social Security Coverage
1570.20	Resolution of Legal Question Coincident to Adoption of Social Security Coverage
1570.30	Employer's Tax Liability, When Does It Begin
1570.40	Employer's Identifying Information
1570.50	Employees' Social Security Account Number
1570.60	Employer's Responsibility to Withhold Social Security Contributions (Repealed)
1570.70	Due Dates for Social Security Tax Contributions Payments and Wage Reports
1570.80	Adjustments of Wage Reports
1570.90	Annual Statements to Employees, Form W-2 Wage and Tax Statement
1570.100	Recovery of Administrative Expenses of the Social Security Unit
1570.110	Termination of Coverage for Reason of Entity's Financial Condition (Repealed)
1570.130	Sick Pay Plans (Repealed)
1570.140	Amendments
1570.150	Noncorporate Public Entity - Special Reserve Fund (Repealed)
1570.160	Audit For Failure to Pay Contributions - Reimbursement of Expenses

AUTHORITY: Implementing and authorized by the Social Security Enabling Act (Ill. Rev. Stat. 1987, ch. 108 1/2, pars. 21-101 et seq.) and Section 9002 of the Omnibus Budget Reconciliation Act of 1986 (26 U.S.C. 3126).

SOURCE: Filed April 2, 1975; filed June 5, 1975; amended at 3 Ill. Reg. 32, p. 100, effective August 12, 1979; amended at 4 Ill. Reg. 21, p. 68, effective July 1, 1980; emergency amendment at 4 Ill. Reg. 26, p. 231, effective July 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 42, p. 20, effective October 7, 1978; amended at 5 Ill. Reg. 7239, effective July 1, 1981; codified at 6 Ill. Reg. 10935; amended at 7 Ill. Reg. 8822, effective July 15, 1983; peremptory amendment at 7 Ill. Reg. 14553, effective January 1, 1984; amended at 8 Ill. Reg. 15903, effective August 16, 1984; amended at 13 Ill. Reg. 1577, effective January 23, 1989.

Section 1570.40 Employer's Identifying Information

- a) There shall be one employer's identification number issued for each political entity under coverage. The designated reporting official shall file one consolidated report of wages for all departments within

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF ADOPTED AMENDMENT(S)

the entity for retroactive coverage under a new coverage agreement for periods prior to January 1, 1987. Functional units of administration which are integral parts of the entity, even though maintaining separate divisional payrolls, shall not report wages separately to the State Agency unless such functional units have been authorized for reporting purposes by the State Agency.

- b) The employer identification number and mailing address shall not be changed or altered upon the preprinted wage report. If a change of address or appointment of a new reporting official has occurred, the State Agency shall be notified immediately in writing. If, through mailing error one entity receives another entity's report forms, it shall be the responsibility of the reporting official to immediately contact the State Agency.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.60 Employer's Responsibility to Withhold Social Security Contributions (Repealed)

- a) The employer shall be responsible for withholding employee's share of social security contributions from wages at the time the employee is actually or constructively paid. Constructive payment of wages occurs when wages are entered into the employer's payroll record as earned wages and are set apart to be claimed by the employee at any time without restrictions imposed upon their withdrawal by the employer. Under these conditions the employee's share of social security contributions must be deducted and the wages must be reported for the reporting period in which the wages were set aside. The date the employee takes possession of such wages is not material for reporting purposes. Failure by the employer to make deductions of social security contributions from employee's wages at the time of payment shall cause the employer to become liable for total contributions due. Failure of the employer to make employee deductions at the time wages are paid does not excuse the employee from contribution liability. The employer may recover the employee's share from subsequent pay periods during the remainder of the employment relationship. If the employer, in addition to cash wages, compensates in another form such as meals or lodging, the employer must determine the fair market value of such wages in kind and include that amount in addition to cash wages and pay social security contributions upon the total amount.

- i) The fair market value should be found after the consideration of the following factors:
- A) the circumstances and conditions of employment;
 - B) the place and setting where the item is furnished;
 - C) the nature of any services provided;
 - D) the prevailing rate of the item(s) in the area of nonemployees.

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- 2) The benefit to the employee, not the cost to the employer, is the main consideration in determining the fair market value of an item.
- 3) However, the value of meals and lodging furnished by or on behalf of an employer to an employee, the employee's spouse, or any of the employee's dependents is not wages for social security purposes if:
- A) the meals or lodging are furnished on the business premises of the employer; and
 - B) the meals or lodging are furnished for the convenience of the employer; and
 - C) in the case of lodging, the employee is required to accept such lodging as a condition of employment.

(Source: Repealed at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.70 Due Dates for Social Security Tax Contributions Payments and Wage Reports

- a) Retroactive Payments of Social Security Contributions Under a New Coverage Agreement.

1) Each entity which enters into a new coverage agreement shall prepare on prescribed forms, a report of covered wages paid to all covered employees for each period and shall remit to the State Agency the related amount of Social Security Contributions due thereon for periods prior to January 1, 1987, if any, as determined by the effective date of coverage specified by the entity in the coverage agreement. The State Agency will notify Internal Revenue Service (IRS) for retroactive periods beginning January 1, 1987.

- 2) The entity should refer to Internal Revenue Service Publications (such as Circular E, "Employer's Tax Guide") for instructions for subsequent payments and reports. The entity's wage reporting and contribution liability begins as of the effective date specified in the coverage agreement and continues until such time as the entity is dissolved or ceased to maintain a legal existence due to dissolution, annexation, or consolidation with another political entity.

- b) Penalties for Failure to Meet Prescribed Due Dates.

Upon notification to the State Agency by the Social Security Administration of reports and deductions due, the State Agency shall notify the entity within ten (10) business days of receipt of such notice. Failure to pay contributions by the designated due date will result in the failure by the State Agency to deposit contributions by the Federal due dates. Federal interest penalties assessed the State for such delinquent contributions will be subsequently charged to the entity. Such interest charges will be due and payable upon receipt of

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the notice of assessment from the State Agency. a) Semi-Monthly Payments of Social-Security-Contributions:

Each entity under an absolute-coverage-agreement shall prepare--on prescribed-forms--a report--of--covered--wages--paid--to--all--covered employees--for each period--and shall remit--to--the--State--Agency--the related--amount--of--social--security--contributions--due--thereon--the entity's wage-reporting--and--contribution--liability--begins--as--of--the effective--date--specified--in--the--coverage--agreement--and--continues--until such--time--as--the--entity--is--dissolved--or--ceases--to--maintain--a--legal existence--due--to--dissolution--annexation--or--consolidation--with another--political--entity.

b) Due-Dates--for--Contribution--Remittances--and--Wage--Reports--to--State Agency:
The due-dates--for--Contribution--Remittances--and--Wage--Reports--to--State Agency--are--as--follows:

1) Contribution-Payments
The entity's report--and--contribution--payment--on--wages--paid--from the 1st--to--the--15th--day--of--the--month--must--arrive--in--the--office--of the--State--Agency--no--later--than--the--20th--day--of--that--month--the report--and--contribution--payment--on--wages--paid--from--the--16th--day to--the--last--day--of--month--must--arrive--in--the--office--of--the--State Agency--no--later--than--the--5th--day--of--the--following--month--The official--designated--to--be--responsible--for--preparation--of--reports and--payment--of--contributions--shall--certify--that--the--amount--paid for--each--period--represents--total--contributions--due--upon--all covered--wages--for--that--period.

2) Each entity is required to submit an annual wage report listing the name--social--security--number--and--total--covered--wages--paid each employee during the calendar year--along with the second copy of Form W-3-S65, Transmittal of Income--and--Tax--Statements--for State--and--local--Governmental--Employers--The wage report--and--copy of--Form--W-3-S65--must--arrive--in--the--office--of--the--State--Agency--no later--than--January--31--of--the--following--year.

3) Exceptions to Due-Dates for Saturdays--Sundays--and--Holidays:
Exceptions to due--dates--for--remittance--of--contributions--and filing--of--wage--reports--arising--because--of--Saturday--Sundays--and occurrence--of--banking--holidays--shall--be--controlled--by--a--published schedule--of--due--dates--issued--to--all--covered--entities--by--the--State Agency.

e) Irregular-Wage-Reports--and--Contribution-Payments

1) If a covered entity functions only during a limited portion of a calendar year--and--pays--wages--on--an--irregular--basis--a--full disclosure--of--the--facts--and--circumstances--must--be--made--to--the State--Agency--if--an--entity--requests--to--file--reports--and--remit contribution--payments--only--for--those--periods--in--which--wages--are paid--Special--reporting--instructions--approved--by--the--Social Security--Administration--will--be--issued--by--the--State--Agency--in such--instances.

2) Unless permission for irregular reporting has been obtained--from

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the--State--Agency--the--entity--shall--continue--to--receive--and--will be--required--to--file--the--regular--reports--declaring--No--covered wages--paid--this--period--for--those--periods--of--the--year--during which--no--wages--were--paid--to--employees.

d) Reporting-Requirements--for--Inactive-Entities

1) If for any reason a covered entity shall continue its legal existence--but--no--longer--engages--employees--it--can--be--relieved--of reporting--requirements--upon--obtaining--written--approval--to--be placed--in--inactive--status--by--the--State--Agency.

2) An entity placed in inactive status shall file an annual wage report--certifying--that--no--employees--performed--services--or--were paid--wages--during--the--calendar--year.

3) In the event such entity reestablishes employment--relationships and--commences--payment--of--wages--any--time--during--the--year--its inactive--status--automatically--ceases--and--it--becomes--legally--bound under--its--agreement--to--report--wages--and--contributions--in accordance--with--Subsection--(a)--and--(b)--of--this--Section.

e) Penalties--for--Failure--to--Meet--Prescribed--Due-Dates

1) Failure to pay contributions by the scheduled due--dates--will result--in--the--failure--by--the--State--Agency--to--deposit contributions--by--the--Federal--due--dates--Federal--interest penalties--assessed--the--State--for--such--delinquent--contributions will--be--subsequently--charged--to--the--entity--Such--interest charges--will--be--due--and--payable--upon--receipt--of--the--notice--of assessment--from--the--State--Agency.

2) For failure to file the annual wage report by the due--date--an entity--will--be--assessed--a--penalty--of--\$25--for--each--month--or fraction--of--a--month--that--the--report--is--outstanding--past--the--due date--The penalty is payable immediately upon receipt of State's Notice of Penalty for Late Filing.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.80 Adjustment of Wage Reports

The primary responsibility to report an employee's wages rests upon the employer. This responsibility requires that the employer shall take immediate action to correct errors in reported wages as soon as such errors are discovered. For periods prior to January 1, 1987, local officials shall comply with the following rules as soon as reporting errors are discovered.

- a) All adjustments shall be filed on forms prescribed by the State Agency.
- b) Whenever a reporting error is discovered, either by the State Agency or upon receipt of notice from the entity, the State Agency shall forward adjustment forms to the entity and shall set a due date by which the entity must return the completed adjustment form with payment of additional contributions, if required. Any federal interest penalties that arise because of the entity's failure to

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comply with the due dates set by the State Agency shall be assessed directly against the entity.

- c) An adjustment decreasing the amount of wages previously reported must be accompanied by an explanation of the error to justify removal of the erroneous wage credits from the employee's earnings records by the Social Security Administration. The State Agency shall refuse to process a decrease adjustment if the entity has failed to include an adequate explanation.

- d) If a reporting error is discovered at the federal level, the employing entity must comply with all State and Federal requirements to resolve the discrepancy. The employing entity will be responsible to report and pay any contributions and interests determined payable by the Social Security Administration.

- e) If a refund of contributions reflects both employee and employer contributions, it shall be the employer's responsibility to make appropriate refunds to all employees involved. The State Agency reserves the right to issue credit statements to the entity in lieu of refund warrants drawn upon the State Treasurer.
- f) If an adjustment is filed to reduce or cancel previously reported wages, a credit statement will result. The entity shall not apply the amount of the credit claimed by an adjustment toward payment of tax due until such time as a credit statement has been issued by the State Agency. When a credit statement has been issued by the State Agency, the entity shall use the credit by attaching the statement to a subsequent semi-monthly report and offsetting the credit against the total amount of contribution liability due and issuing a check to the State Agency for the remainder of the contributions due. If a credit statement reflects both employee and employer contributions, it shall be the employer's responsibility to make appropriate refunds to all employees involved.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.90 Annual Statements to Employees, Form W-2 Wage and Tax Statement

- a) Not later than January 31, or not later than 30 days after the date of the last payment of wages is made to an individual whose employment has been terminated, each employing entity is required to furnish to each employee a Form W-2, Wage and Tax Statement for the applicable calendar year. Covered entities shall obtain supplies of Form W-2 from the Internal Revenue Service (IRS) district office servicing their local area, or from a private vendor who prints such forms upon order in accordance with IRS specifications.

- b) Compliance with the regulations issued to employers by the Internal Revenue Service regarding Form W-2, applicable to the particular calendar year, shall constitute compliance with this rule.

- c) Each entity that has adopted social security coverage through the

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State Agency is required to insert upon the W-2 Form in the appropriate block as specified by IRS instructions, the entity's social security account identification number referred to in Section 1570.40.

- d) Covered entities shall not file with the State Agency copies of W-2 Forms issued to their employees; however, the employer's copy of the W-2 Forms shall be made available to the State Agency upon request, to confirm annual totals of wages paid to employees for purposes of social security credit under the entity's coverage agreement for periods prior to January 1, 1987.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.100 Recovery of Administrative Expenses of the Social Security Unit

- a) General Conditions for Recovery of Administrative Expenses
- 1) Each entity electing participation in the Social Security insurance program shall reimburse the State Agency for the benefit of the State Treasury a pro rated share of the State Agency's total operational expenses.

- 2) For purposes of recovering the operational expenses incurred by the State of Illinois in administering the federal social security program, the State Agency shall allocate the amounts to be assessed according to the two classifications of participating entities, Absolute Coverage Group and Retirement System Coverage Group.

- 3) The administrative charge to be assessed upon the two classifications of participating entities shall be based upon the established costs of operating the State's Social Security program for the fiscal year ending June 30 as determined by the official accounts and records of the State Employees' Retirement System, Social Security Unit.

- 4) The pro rated share of operating expenses shall be based on the allocation of time spent in administering coverage for the two classifications of participating entities.

- b) Absolute Coverage Group

- 1) For the first year of participation (or fraction thereof) and annually thereafter, each absolute coverage group shall be assessed a yearly charge of \$40 for maintenance of the coverage contract between the State Agency and the Social Security Administration. Entities in an inactive status for a full calendar year shall not be assessed a contract maintenance charge for that year.

- 2) In addition to the annual contract maintenance charge, each entity under an absolute coverage group agreement shall be assessed a pro rata share of the remainder of the State Agency's annual operating costs after amounts allocated to each retirement

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system coverage group and the amounts recovered under the contract maintenance charge have been subtracted from the total. The pro rata share shall be expressed in terms of the ratio which each entity's total annual social security contribution payment bears in relation to the total social security contributions paid into the State Agency for the calendar year 1986. the same period.

c) Annual Statement.

Except for the State Employees' Retirement System, the administrative charge shall be included upon an annual statement forwarded to each participating entity in the month of December and shall become payable on or before April 5 of the following year. upon the due date of the social security contribution payment for the following month of March.

d) Penalty.

There shall be added to each such assessment remaining unpaid more than 30 days after date of Notice of Delinquency has been given a penalty of 5% of the amount of the assessment or a penalty of \$10, whichever is greater.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.110 Termination of Coverage for Reason of Entity's Financial Condition (Repealed)

- a) For purposes of termination of the coverage agreement, the term "unable to continue to comply" shall mean that the entity is financially incapable of meeting the fiscal obligation of paying the employer's share of contributions upon wages. Since the State is primarily liable under its master agreement with the Secretary of Health and Human Services for a default in tax payments by a covered entity, an entity confronted with financial insolvency is obligated to petition the State Agency for a hearing upon the question of termination of its coverage agreement. The scope of the hearing before the State Agency shall be limited to determining the financial inability of the covered entity to continue to pay the employer's share of social security tax upon the employees' wages.
- b) If the State Agency has reason to believe that an entity if delinquent in its tax payments due to insolvency and the entity has not petitioned the State Agency for a hearing, the State Agency shall require the entity to present evidence of their financial condition at a hearing upon the question of their ability to meet their obligation of paying the contributions due upon wages paid to their employees. The burden of proof to show financial ability or inability shall rest with the entity.
- d) The hearings shall be informal in nature and be conducted before the Executive Committee of the Board of Trustees of the State Employees' Retirement System. Upon a determination of financial inability to comply, the State Agency shall proceed with the termination of

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coverage in accordance with the provisions of the Federal Social Security Act, Title II, Section 210 (g).

(Source: Repealed at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.150 Noncorporate Public Entity - Special Reserve Fund (Repealed)

A noncorporate public entity may choose to maintain a special reserve fund rather than having all parties to an agreement establishing a noncorporate public entity certify to the State Agency that they shall be jointly and severally liable for payment of contributions and the annual administrative charge. The entity shall establish such fund by depositing an amount equal to contributions due or that would have been due on covered wages paid by the entity in the previous six months and an estimated amount of the annual administrative charge with the State Agency before the entity's agreement may be approved by the State Agency. The annual administrative charge shall be estimated based on an annualization of the six months covered wages used to compute contributions and the method of determining the administrative charge in Section 1570.100 of this part using the past year's formula if the entity has not been in existence for six months at the time it is establishing coverage. The amount of the deposit shall be based upon an estimate of wages to be paid employees during the period ending with the sixth full month in which wages will be paid. The deposit so established will be reviewed every two years or upon request of the entity to determine whether the amount on deposit with the State Agency should be adjusted. The amount will be adjusted if necessary based upon the difference between the deposit and the highest two consecutive quarters of social security liability in the preceding two years and the estimated annual administrative charge in addition the amount will be decreased if the entity demonstrates by notifying in writing to the State Agency that a change in circumstances will cause a permanent reduction in the amount of wages paid to covered employees.

(Source: Repealed at 13 Ill. Reg. 1577, effective January 23, 1989)

Section 1570.160 Audit For Failure to Pay Contributions - Reimbursement of Expenses

If the State Agency audits an entity due to failure or refusal by the entity to pay contributions and submit wage reports on a timely basis for periods prior to January 1, 1987, the entity shall reimburse the State Agency for the necessary expenses incurred by the State Agency to conduct the audit. Such expenses are the necessary travel expenses actually incurred by the State Agency in traveling to the office of the entity or any other location away from the office of the State Agency.

(Source: Amended at 13 Ill. Reg. 1577, effective January 23, 1989)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act
- 2) Code Citation: 86 Ill. Adm. Code 530
- 3) Section Numbers: 530.165 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 67-1/2, par. 409
- 5) Effective Date of Amendment(s): January 18, 1989
- 6) Does this rulemaking contain an automatic repeal date? Yes ☐ No ☒
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 18, 1989
- 9) Notice of Proposal Published in Illinois Register:

July 1, 1988, 12 Ill. Reg. 11104
(issue date)

- 10) Has JCAR issued a Statement of Objections to this Rule? No
- 11) Differences between proposal and final version:
1. Corrected the statutory citation for the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Act in its Authority note as follows: "(Ill. Rev. Stat. 1987, ch. 67-1/2, pars. 401 et seq.)"
 2. Cited, in its Notice of Adopted Amendments, the correct Public Act for which it is proposing rules in Part 530 as follows: "P.A. 85-299."
 3. Corrected the section of the Act cited in Sections 530.165(c) (d) and (e) by deleting "409" and substituting "9".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The amendment to Section 530.165 is required by P.A. 85-299 which expands the types of conduct to which criminal penalties apply in the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

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- 16) Information and questions regarding this adopted rule shall be directed to:

R. Dale Yung
Administrator
Legal Services Bureau
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6336

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 530

SENIOR CITIZENS AND DISABLED PERSONS PROPERTY TAX RELIEF AND PHARMACEUTICAL ASSISTANCE ACT

Section	Purpose of the Program
530.101	Definitions
530.105	Covered Prescription Drugs
530.110	Qualifications for Beneficiaries
530.115	Identification Card
530.120	Determination of Cost of Covered Prescription Drugs
530.125	Qualification of Pharmacies
530.130	Assignment and Coordination of Benefits
530.135	Payments to Qualified Pharmacies
530.140	Execution of Contracts
530.145	Limitation on Prescription Size
530.150	Inspection of Records
530.155	Establishment of Liens
530.160	Penalties
530.165	

AUTHORITY: Implementing the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (Ill. Rev. Stat. 1987, ch. 67-1/2, pars. 401 et seq.).

SOURCE: Adopted at 11 Ill. Reg. 20978, effective December 15, 1987; amended at 13 Ill. Reg. 1589, effective January 18, 1989.

Section 530.165 Penalties

- a) Any person who:
- 1) Files a fraudulent claim for a grant under the Act; or
 - 2) for compensation prepares a claim for a grant and knowingly enters false information on the form for a beneficiary; or
 - 3) fraudulently files multiple claim forms; or
 - 4) On behalf of an authorized pharmacy, files a fraudulent claim for payment; or
 - 5) fraudulently states that a nondisabled person is disabled; or
 - 96) fraudulently procures an identification card; or
 - 47) fraudulently uses an identification card to obtain covered prescription drugs,
- is guilty of a Class 4 felony on for the first offense and a Class 3 felony for each subsequent offense.
- b) The Department shall suspend the use of the identification card of any beneficiary suspected of fraudulent procurement or fraudulent use of an identification card and, upon conviction, revoke the identification card. Evidence of fraudulent procurement or use shall include but is

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not limited to, false information in the application, use of a card by someone other than the person to whom it was issued, use of a card after its expiration date, and use of a card at too frequent intervals for the same medication.

- c) Persons convicted of fraud under the Part shall be permanently barred from participating in the program. (Section 499 of the Act).
- d) The Department will recover from any beneficiary or authorized pharmacy any amount paid under the program on account of an erroneous or fraudulent claim together with 6 percent interest per year. (Section 499 of the Act).
- e) A prosecution for violation of the Act may be undertaken at any time within three years of the commission of that violation. (Section 499 of the Act).

(Source: Amended at 13 Ill. Reg. 1589, effective January 18, 1989)

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NOTICE OF ADOPTED AMENDMENTS
TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040
CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	Court to Forward Licenses and Reports of Conviction
1040.10	Illinois Traffic Offense Table
1040.20	3 or More Traffic Offenses Within 12 Months
1040.30	Suspension or Revocation of Licenses or Permits
1040.32	Used Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Conviction or Collisions
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	National Driver Register

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20657, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989.

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NOTICE OF ADOPTED AMENDMENTS

Section 1040.66 Invalidation of a Restricted Driving Permit

a) For purposes of this Section, the following definitions shall apply:
"Department" - Department of Driver Services within the Office of the Secretary of State.

"Invalidate" - to render no longer valid for the purpose for which it was issued.

"Law Enforcement Sworn Report" - a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501.1(d)) and Section 1-109 of the Code of Civil Procedure (Ill. Rev. Stat., 1987, ch. 110, par. 1-109).

"Restricted Driving Permit (R.D.P.)" - document issued to persons who have had their full driving privileges suspended, revoked, or cancelled which grants and specifies limited driving privileges as specified in Section 1-173.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 1-173.1).

b) Upon receipt of one or more of the following documents from a Circuit Clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a R.D.P.:

- 1) the R.D.P., accompanied by evidence of a violation of any restrictions on the R.D.P.;
- 2) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 (Ill. Rev. Stat. 1987, ch. 38, par. 9-3), driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-501), or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-401), or drag racing in violation of Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95 1/2, par. 11-504); or

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- 3) a Law Enforcement Officer's Sworn Report; or
- 4) a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Rules of the Road of the Illinois Vehicle Code, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Rules of the Road of the Illinois Vehicle Code or drag racing in violation of Section 11-504 of the Illinois Rules of the Road of the Illinois Vehicle Code.

(Source: Added at 13 Ill. Reg. 1593, effective January 23, 1989)

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- 1) Heading of Parts: Certificates of Title, Registration of Vehicles
- 2) Code Citation: 92 Ill. Adm. Code 1010
- 3) Section Number: 1010.440
Adopted Action: New Section
- 4) Statutory Authority: Section 2-104(b) and 3-812 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95, pars. 2-104(b) and 3-812).
- 5) Effective Date of Amendment: February 1, 1989
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 1, 1989
- 9) Notice of Proposal Published in Illinois Register: October 14, 1988, 12 Ill. Reg. 16432.
- 10) Has JCAR issued a Statement of Objections to the amendments? No
- 11) Differences between proposal and final version:
1. In Section 1010.440(b), "Section 3-100 et seq." (in line 6) was changed to "Article I."
 2. In subsections (c)(4) and (e) the subsection labels were enclosed in parentheses.
 3. In subsection (f) the Office of the Secretary of State was referenced to the Department of Police.
 4. In the list of definitions, the definition for "Incidentally" was deleted.
 5. In the definition of "Tools and Equipment", the term "items absolutely" was replaced with "apparatus or instrument", and "wrench" was changed to "winch".
 6. In Section 1010.440(e), the phrase "Subsequent to the mounting of the permanently mounted equipment," was added before "vehicles designed for uses other" in line 3. The term "and tools and equipment" was added after "permanently mounted equipment" in line 4.

7. In the table of contents, one hyphen was deleted after "Owner" in the entry for Section 1010.10.
8. "Section 1010.451 Purple Heart Plates" was added to the table of contents.
9. In the source note, the following was added: "amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988;" after "recodified at 11 Ill. Reg. 15920" in line 16.
10. In the definition of "Not-for-hire", "furtherance" was changed to "furtherance". The terms "for" and "hire" were capitalized.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter by JCAR? Yes
- 13) Will these amendments replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this part? Yes

Section Number:	Proposed Action:	Illinois Register Citation:
1010.20	New Section	12 Ill. Reg. 19642 (November 28, 1988)
1010.452	New Section	12 Ill. Reg. 19642 (November 28, 1988)
1010.455	New Section	12 Ill. Reg. 19642 (November 28, 1988)
1010.456	New Section	12 Ill. Reg. 19642 (November 28, 1988)

- 15) Summary and Purpose of Amendments? This rulemaking establishes the criteria for the issuance of PM license plates. It sets forth the types of vehicle entitled to PM plates and how a person applies for PM plates.

- 16) Information and questions regarding these adopted amendments shall be directed to:
- Robert Powers
Assistant Counsel to the Secretary
298 Centennial Building
Springfield, Illinois 62756
(217) 783-3094

The full text of the Adopted Rule begins on the next page:

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

SUBPART A: DEFINITIONS

Owner-Application of Term

SUBPART B: TITLES

Section	1010.10
Section	1010.110
Section	1010.120
Section	1010.130
Section	1010.140
Section	1010.150
Section	1010.160
Section	1010.210
Section	1010.220
Section	1010.230
Section	1010.240
Section	1010.250

SUBPART C: REGISTRATION

Application for Registration

Vehicles Subject to Registration - Exceptions

Refusing Registration or Certificate of Title

Registration Plates To Be Furnished By The Secretary of State

Applications For Reassignment

SUBPART D: REVOCATION, SUSPENSION AND CANCELLATION OF REGISTRATION

Operation of Vehicle after Cancellation, Suspension, or Revocation of any Registration

Improper Use of Evidences of Registration

Suspension, Cancellation or Revocation of Illinois Registration Plates and Cards and Titles

Operation of Vehicle Without Proper Illinois Registration

Suspension or Revocation

Surrender of Plates, Decals or Cards

Section

1010.300

1010.310

1010.320

1010.330

1010.350

1010.360

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SUBPART E: SPECIAL PERMITS AND PLATES

Section	
1010.410	Temporary Registration - Individual Transactions
1010.420	Temporary Permit Pending Registration In Illinois
1010.440	Title and Registration of Vehicles with Permanently Mounted Equipment
1010.450	Special Plates
1010.451	Purple Heart License Plates
1010.460	Special Plates for Members of the United States Armed Forces Reserves
1010.470	Dealer Plate Records
1010.480	State of Illinois In-Transit Plates

SUBPART F: FEES

Section	
1010.510	Determination of Registration Fees
1010.520	When Fees Returnable
1010.530	Circuit Breaker Registration Discount
1010.540	Maximum Fees for Distribution of Motor Vehicle Renewal Plates and/or Stickers

SUBPART G: MISCELLANEOUS

Section	
1010.610	Unlawful Acts, Fines and Penalties
1010.620	Change of Engine

SUBPART H: SECOND DIVISION VEHICLES

Section	
1010.705	Reciprocity
1010.710	Vehicle Proration
1010.715	Proration Fees
1010.720	Vehicle Apportionment
1010.725	Trip Leasing
1010.730	Intrastate Movements, Foreign Vehicles
1010.735	Interline Movements
1010.740	Trip and Short-term Permits
1010.745	Signal 30 Permit for Foreign Registered Vehicles
1010.750	Signal 30-Year-round for Prorated Fleets of Leased Vehicles
1010.755	Mileage Tax Plates
1010.756	Suspension or Revocation of Illinois Mileage Weight Tax Plates
1010.760	Transfer for "For-Hire" Loads

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1010.765	Suspension or Revocation of Exemptions as to Foreign Registered Plates
1010.770	Required Documents for Trucks and Buses to detect "Intrastate" movements
1010.775	Certificate of Safety

APPENDIX A Uniform Vehicle Registration Proration and Reciprocity Agreement
APPENDIX B International Registration Plan

AUTHORITY: Implementing Chapter 3 and authorized by Section 2-104(b) of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 3-100 et seq. and 2-104(b)).

SOURCE: Filed and effective December 15, 1970; emergency rule at 2 Ill. Reg. 25, p. 119, effective June 14, 1978 for a maximum of 150 days; amended at 3 Ill. Reg. 12, p. 76, effective March 23, 1979; amended at 3 Ill. Reg. 29, p. 123, effective July 20, 1979; amended at 4 Ill. Reg. 17, p. 247, effective April 11, 1980; emergency rule at 4 Ill. Reg. 21, p. 99, effective May 14, 1980 for a maximum of 150 days; amended at 6 Ill. Reg. 2241, effective February 1, 1982; amended at 6 Ill. Reg. 11076, effective August 26, 1982; codified at 6 Ill. Reg. 12674; amended at 7 Ill. Reg. 1432, effective January 21, 1983; amended at 7 Ill. Reg. 1436, effective January 21, 1983; amended at 8 Ill. Reg. 5329, effective April 6, 1984; amended at 9 Ill. Reg. 3358, effective March 1, 1985; amended at 9 Ill. Reg. 9176, effective May 30, 1985; amended at 9 Ill. Reg. 12863, effective August 2, 1985; amended at 9 Ill. Reg. 14711, effective September 13, 1985; amended at 10 Ill. Reg. 4245, effective February 26, 1986; amended at 10 Ill. Reg. 14308, effective August 19, 1986; recodified at 11 Ill. Reg. 15920; amended at 12 Ill. Reg. 14711, effective September 15, 1988; amended at 12 Ill. Reg. 15193, effective September 15, 1988; amended at 13 Ill. Reg. 1598, effective February 1, 1989.

Section 1010.440 Title and Registration of Vehicles with Permanently Mounted Equipment

a) For purposes of this Section, the following definitions shall apply:

"Cargo and Supplies" - any commodity or object not directly related to the mechanical operation of the permanently mounted equipment.

"Department" - Department of Vehicle Services within the Office of the Secretary of State.

"Not-for-hire" - operation of a commercial vehicle in furtherance of any commercial or industrial enterprise but not For-Hire as

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defined in Section 1-153 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-153).

"Owner" - a person who holds legal title of motor vehicle, or in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of such motor vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor as defined in Section 1-155 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-155).

"Permanently Affixed" - shall mean bolted, screwed, welded, glued, soldered, or in any way attached to a vehicle so that a tool is needed to unfasten the permanently mounted equipment from the vehicle.

"Permanently Mounted Equipment" - an apparatus or instrument permanently affixed to a vehicle which is designed to perform a specific task in and of itself such as but not limited to the following tasks: drilling, digging, mining, and other such tasks. This definition shall not include equipment which could function without being permanently mounted.

"Tools and Equipment" - an apparatus or instrument necessary to the function of permanently mounted equipment such as screw drivers and wrenches. This definition shall also include an apparatus or instrument necessary for the function of the permanently mounted equipment such as lubricant for a winch.

"Usage" - the amount of time used on the highway which for purposes of this Section shall be less than fifty (50) percent of a fiscal year.

- b) Vehicle owners who have vehicles with permanently mounted equipment shall apply for registration and pay the fee specified in Section 3-812 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-812). The classification of license plate shall be PM. The vehicle shall also be subject to the titling requirements of Article I of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 3-100 et seq.) and be used not-for-hire.

- c) Applications shall be accompanied by the following:

- 1) a copy of the vehicle title or a copy of the current registration;

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- 2) the statutory fee as required by Section 3-812 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code;
- 3) photographs of front, back, and side views of the vehicle; and
- 4) an affirmation statement as specified in subsection (d).
- d) The affirmation statement shall contain the following information:
- 1) a statement that the vehicle is operated on the highway less than fifty (50) percent of the fiscal year; and
- 2) a statement that the vehicle is not used to haul cargo and supplies.

- e) The Department shall review the usage and equipment of the vehicle for compliance with the definitions in subsection (a). Subsequent to the mounting of the permanently mounted equipment, vehicles designed for uses other than transporting permanently mounted equipment and tools and equipment are not eligible to be issued PM plates. Cargo and supplies as defined in subsection (a) shall not be transported. The Department shall review the photographs to determine whether the vehicle is designed exclusively for the transportation of the permanently mounted equipment.

- f) If the Department has any questions as to whether a vehicle should be issued PM plates, the Department may request the Department of Police of the Office of the Secretary of State to inspect the vehicle in question if a Departmental decision cannot be made on the basis of the photographs.

- g) If the applicant for a PM plate does not meet the criteria as stated in this rule, the Department shall deny the application for licensing. The title and registration application and fee shall be returned to the applicant. The applicant may then submit a new application for title and registration. A registration applicant who is denied may request a hearing pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 2-118) and 92 Ill. Adm. Code 1001.100.

- h) Applications and inquiries regarding this Section should be directed to the following:

Office of the Secretary of State
Non-Standard Plate Section
Centennial Building, Room 539
Springfield, Illinois 62756

(Source: Added at 13 Ill. Reg. 1598, effective February 1, 1989)

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- 1) The Heading of the Part: Operating Procedures for the Administration of Federal Funds
- 2) Code Citation: 20 Ill. Adm. Code 1520
- 3) Section Number:
1520.10 Emergency Action:
1520.46 Amendment
1520.50 New Section
1520.50 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1987, ch. 38, pars. 210-1 et seq.
- 5) Effective Date of Rules: January 24, 1989
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable

7) Date Filed in Agency's Principal Office: January 19, 1989

8) Reason for Emergency: The recently enacted Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) provides for state and local assistance for narcotics control and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Under this federal statute, the Bureau of Justice Assistance is authorized to make awards to states, for use by state and local government agencies, to enforce state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders. Under the Anti-Drug Abuse Act of 1988, twenty-one broad areas for funding impact directly on the public interest and welfare with respect to the control of illegal drug use and violent crime.

The Illinois Criminal Justice Information Authority ("Authority") has been designated to receive Anti-Drug Abuse Act of 1988 funds made available for the State of Illinois and to establish priorities for the disbursement of those funds. To receive the Anti-Drug Abuse funds, a state must develop, within specified time frames, a statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis

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on drug trafficking, violent crime, and serious offenders. The statewide strategy is to include a definition and analysis of the drug and violent crime problem in the state; an assessment of criminal justice resources being devoted to crime and drug control programs in the state; coordination requirements; resource needs; the establishment of statewide priorities for crime and drug control activities and programs; and an analysis of the relationship of the proposed State efforts to the national drug control strategy.

The Authority is responsible for analyzing data and selecting priority areas and strategies both on the state and the local level. The Authority is required by the Bureau of Justice Assistance to submit the Illinois statewide strategy by February 16, 1989 in order to be eligible for federal fiscal year 1989 funds.

Thus, to administer the funding in the most efficient and fiscally responsible manner, the Authority needs to have in place operating procedures for the administration of the federal funds as soon as the Authority receives these funds. With these operating procedures in place, state agencies and local units of government will receive federal funds they need to fight against unlawful drug use and violent crime.

For the foregoing reasons, the Authority finds that there exists a situation which constitutes a threat to the public interest and welfare within the meaning of Section 5.02 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, par. 1005.02).

9) A Complete Description of the Subjects and Issues Involved: These rules establish operating procedures for the application, receipt and administration of funds under the Anti-Drug Abuse Act of 1988 (P.L. 100-690), and for appeals taken therefrom.

10) Are there any proposed amendments pending to this part? No.

11) Statement of Statewide Policy Objectives: These rules do not require local governments to establish, expand or modify their activities in any way.

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- 12) Information and questions regarding this Emergency Amendment shall be directed to:

Name: Robert P. Boehmer
Legal Advisor
Address: Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606
Phone: (312) 793-8550

The full text of the Emergency Amendments begin on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

Part 1520

OPERATING PROCEDURES FOR THE ADMINISTRATION OF FEDERAL FUNDS

Section	Purpose and Authorization
1520.10 EMERGENCY	Definitions
1520.20	Application and Receipt of Justice Assistance Act of 1984 Funds
1520.30	Application and Receipt of Victims of Crime Act of 1984 Funds
1520.40	Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds
1520.45	Application and Receipt of Anti-Drug Abuse Act of 1988 Funds
EMERGENCY	Administration of Federal Funds
1520.50	Appeals
EMERGENCY	
1520.60	

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act (Ill. Rev. Stat. 1985, ch. 38, pars. 210-1 et seq.)

SOURCE: Emergency Rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days.

NOTE: CAPITALIZATION denotes statutory language.

Section 1520.10 Purpose and Authorization
EMERGENCY

- a) The Illinois Criminal Justice Information Authority (Authority) establishes these rules to exercise its responsibility TO APPLY FOR, RECEIVE, ESTABLISH PRIORITIES FOR, ALLOCATE, DISBURSE AND SPEND GRANT FUNDS THAT ARE MADE AVAILABLE BY...THE UNITED STATES PURSUANT

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TO THE FEDERAL CRIME CONTROL ACT OF 1973 (P.L. 93-83), AS AMENDED, AND SIMILAR FEDERAL LEGISLATION, AND TO ENTER INTO AGREEMENTS WITH THE UNITED STATES GOVERNMENT TO FURTHER THE PURPOSES OF THE ACT, OR AS MAY BE REQUIRED AS A CONDITION OF OBTAINING FEDERAL FUNDS, ... (Ill. Rev. Stat. 1985, ch. 38, par. 210-7(k)).

- b) Pursuant to the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. Pursuant to a motion passed by the Authority on December 10, 1984, this duty was specifically deemed to include responsibility for establishing grant award procedures, submission of the Applications for funds and oversight of the grant award procedures for both Justice Assistance Act of 1984 (P.L. 98-473, effective October 12, 1984) and Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984). Funds and pursuant to a motion passed by the Authority on December 9, 1986, this duty was extended to include State and Local Law Enforcement Assistance Act (P.L. 99-570, effective October 27, 1986) funds, and Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) funds.

(Source: Emergency amendment at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days)

Section 1520.46 Application and Receipt of Anti-Drug Abuse Act of 1988 Funds.
EMERGENCY

- a) The Authority will annually review Section 501 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) and based on the need for services to enforce state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et. seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders, the services available to address that need, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41 et seq.), select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310

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et seq.).

- b) Federal funds made available to the State of Illinois through the Anti-Drug Abuse Act of 1988 shall be distributed to State agencies and units of local government. In distributing funds among urban, rural and suburban units of local government and combinations thereof, the Authority shall give priority to those jurisdictions with the greatest need. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies and units of local government eligible for the receipt of federal funds:

- 1) analysis of need as evidenced by demographic and criminal justice data;
- 2) comments from the public and state and local officials;
- 3) information (including but not limited to drug activity information, arrests, prosecutions, drug types, prior experience with grants and current efforts regarding drug enforcement) indicating the likelihood that a State agency or unit of local government will achieve the desired objectives of the Anti-Drug Abuse Act of 1988;
- 4) drug law enforcement and violent crime information, including arrests, prosecutions, convictions, recidivism, (percentages as well as gross numbers), overdose, information provided to police by citizens, and treatment information such as admissions to programs; and
- 5) current research findings.

- c) A unit of local government or State agency, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Anti-Drug Abuse Act of 1988 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of

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local government or State agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching money.

d) A unit of local government or state agency not so contacted by the Executive Director pursuant to subsection (c) shall, however, upon written request to the Executive Director, be included among those units of local government or State Agencies evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or state agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Anti-Drug Abuse Act of 1988, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching money. If the Executive Director determines that the unit of local government or State Agency is not so eligible or so qualified, the Executive Director shall notify the unit of local government or State Agency within 45 days of receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The unit of local government or State Agency may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.

e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41 et. seq.), designate programs or projects, implementing agencies, and amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Anti-Drug Abuse Act of 1988. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall

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be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
- 2) comments from the public and State and local officials;
- 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
- 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
- 5) the availability of funds; and
- 6) the overall cost of the program or services.

f) Pursuant to Section 503 of the Anti-Drug Abuse Act of 1988, the Application to the Bureau of Justice Assistance shall include a statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders, and those certifications and assurances listed in Section 503 of the Anti-Drug Abuse Act of 1988.

g) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect

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fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Emergency rule added at 13 Ill. Reg. 1605, effective Jan. 24, 1989 for a maximum of 150 days)

Section 1520.50 Administration of Federal Funds EMERGENCY

- a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: the Justice Assistance Act of 1984; the Victims of Crime Act of 1984; the State and Local Law Enforcement Assistance Act of 1986; the Anti-Drug Abuse Act of 1988; the Office of Justice Programs, Financial and Administrative Guide for Grants, M7100.1C (November 1, 1985); the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Illinois Grant Funds Recovery Act (Ill. Rev. Stat. 1985, ch. 127, pars. 2301 et seq.); the Illinois Purchasing Act (Ill. Rev. Stat. 1985, ch. 127, pars. 132 et seq.); the State Comptroller Act (Ill. Rev. Stat. 1985, ch. 15, pars. 201 et seq.); the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U. S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U. S. Department of Justice Regulations Governing the confidentiality of Identifiable Research and Statistical Information (28 CFR 22.1 et seq., effective December 15, 1976); and the Program Guidelines for Crime Victims Assistance Grants, Office of Justice Programs (50 FR 43011, et seq., effective October 23, 1985). The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public

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- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within twenty-eight (28) days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within twenty-eight (28) days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond twenty-eight (28) days for an additional period not to exceed fourteen (14) days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event that the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension

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period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

- d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than twenty-eight (28) days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

- e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five (5) working days.

(Source: Emergency amendment at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

- 1) Heading of the Part: The Illinois Speech-Language Pathology and Audiology Practice Act

- 2) Code Citation: 68 Ill. Adm. Code 1465

- 3) Section Numbers: Emergency Action:

1465.10	New Section
1465.20	New Section
1465.30	New Section
1465.40	New Section
1465.50	New Section
1465.60	New Section

- 4) Statutory Authority: Public Act 85-1391, effective September 2, 1988

- 5) Effective Date of Amendment: January 20, 1989

- 6) If the emergency Amendment is to expire before the end of the 150-day period, please specify the date on which it will expire: N/A

- 7) Date Filed in Agency's Principal Office: January 20, 1989

- 8) Reason for Emergency: These Emergency Rules implement Public Act 85-1391 and are necessary in order to properly evaluate applications for licensure as a Speech-Language Pathologist or Audiologist. All persons applying under Section 7 "grandfather" provisions shall have until September 2, 1989 to do so. All persons who do not meet the grandfather provisions shall apply and be licensed by June 1, 1989.

- 9) A Complete Description of the Subjects and Issues Involved: These Emergency Rules implement Public Act 85-1391 and set forth standards necessary to properly evaluate applications for licensure as a Speech-Language Pathologist or Audiologist. More specifically, these Rules concern application for licensure, program approval, professional experience requirements, examination requirements and endorsement applications.

- 10) Are there any proposed Amendments to this Part pending: No

- 11) Statement of Statewide Policy Objectives: This rulemaking has no impact on local government.

- 12) Information and questions regarding this Amendment shall be directed to:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

Department of Professional Regulation
Attention: Jean Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

The full text of the Emergency Rules begin on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF EMERGENCY RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1465

THE ILLINOIS SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY PRACTICE ACT

Section

1465.10 Application for Licensure Under Section 7 of the Act
EMERGENCY

1465.20 Approved Programs
EMERGENCY

1465.30 Professional Experience
EMERGENCY

1465.40 Application for Licensure
EMERGENCY

1465.50 Examination
EMERGENCY

1465.60 Endorsement
EMERGENCY

AUTHORITY: Implementing the Illinois Speech-Language Pathology and Audiology Practice Act (P.A. 85-1391, effective September 2, 1988) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1985, ch. 127, par. 60(7)).

SOURCE: Emergency rules adopted at 13 Ill. Reg. 1616, effective Jan. 20, 1989 for a maximum of 150 days.

Section 1465.10 Application for Licensure Under Section 7 of the Act
EMERGENCY

Those persons seeking licensure under The Illinois Speech-Language Pathology and Audiology Act (Public Act 85-1391) (the "Act"), pursuant to Section 7(d) of the Act, shall file an application with the Department, on forms provided by the Department of Professional Regulation (the "Department"). Such application shall be postmarked no later than midnight September 2, 1989, and shall include the following:

- a) certification, on forms provided by the Department, or documentation of active practice in speech-language pathology or audiology, or both, prior to June 1, 1989, for 2 of the last 4 years or practice in these professions for at least 4 years; and
- 1) for licensure as a speech-language pathologist, verification of

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a valid Type-10 Speech and Language Impaired Certificate or its equivalent issued by the Illinois State Board of Education (a copy of the certificate may be submitted as proof); or

- 2) for licensure as a speech-language pathologist or as an audiologist, verification of holding current certification from the American Speech-Language-Hearing Association which certifies that the person is a certified speech-language pathologist or audiologist, and verification of a master's degree or its equivalent;

A) the master's degree must be conferred from a regionally accredited university or college in speech-language pathology and/or audiology;

B) for purposes of this Section an equivalent is defined as a bachelor's degree from an accredited college or university and at least 42 post baccalaureate semester hours acceptable toward a master's degree, of which at least 30 hours must be in the areas of speech-language pathology, audiology, or speech-language and hearing science. At least 21 of these 42 semester hours must be obtained from a single college or university.

- b) a complete work history since completion of baccalaureate degree education; and
- c) the required fee set forth in Section 14(a)(1) of the Act.

Section 1465.20 Approved Programs
EMERGENCY

a) The Department of Professional Regulation (the "Department") shall approve a speech-language pathology or audiology program US reputable and in good standing if it meets the following minimum criteria:

- 1) the institution is legally recognized and authorized by the jurisdiction in which it is located to confer the appropriate degree.
- 2) has a faculty which comprises sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
- 3) the program director must be trained in speech-language pathology, in audiology or in speech and hearing science.

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4) has an integrated curriculum plan which includes at least the following subject areas in professional education (60 semester hours required):

A) Basic Communication Processes

- i) anatomic and physiological bases
- ii) physical bases and processes of the production and perception of speech, language and hearing
- iii) linguistic and psycholinguistic variables related to normal development and use of speech, language and hearing

B) Speech-Language Pathology/Audiology

- i) speech and language disorders
- ii) audiology
- iii) auditory pathology
- iv) auditory habilitation/rehabilitation

5) has a clinical practicum which provides students with 300 hours of clinical experience supervised by a licensed speech-language pathologist or audiologist or a person who is American Speech-Language-Hearing Association certified. The experience shall take place in at least two clinical settings (i.e. academic program, medical facility, community clinics).

- b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the American Speech-Language-Hearing Association.
- c) The Department has determined that all speech-language pathology and audiology master's degree programs accredited or approved by the Educational Standards Board of the American Speech-Language-Hearing Association as of January 1, 1989, meet the minimum criteria set forth in this Section and are, therefore, approved.

Section 1465.30 Professional Experience
EMERGENCY

To meet the requirements of professional experience as set forth in Section (8)(f) of the Act, the applicant's experience:

- a) shall be an equivalent of nine months of full-time, supervised professional experience:
 - 1) 30 hours or more per week over 9 months;
 - 2) 25-29 hours per week over 12 months;

DEPARTMENT OF PROFESSIONAL REGULATION

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- 3) 20-24 hours per week over 15 months;
- 4) 15-19 hours per week over 18 months;
- 5) less than 15 hours per week will not fulfill professional experience requirements;
- b) shall be in the direct client contact of at least 36 supervised activities which includes assessment/diagnosis/evaluation, screening, habilitation/rehabilitation and activities related to client management as it pertains to the practice of speech-language pathology or audiology as defined in Section 3 of the Act;
- c) shall be located in an evaluation and therapy program in a school, clinic, hospital, community hospital or other equivalent settings (e.g. nursing homes);
- d) shall be supervised by a licensed speech-language pathologist or licensed audiologist or by a person who holds certification from the American Speech-Language-Hearing Association.
 - 1) Such supervisor shall be responsible for direct and personal contact, and monitoring, improving and evaluating the performance of the individual who is under his supervision.
 - 2) The individual's performance shall be based on no less than 36 supervised activities during the professional experience, 18 of which shall be on-site observations by the supervisor. One hour equals one on-site observation, no more than 6 hours can be accrued in one day. The 18 other activities can be through correspondence and include conferences, evaluation of written reports, evaluations by professional colleagues; and
 - e) shall begin after completion of the course work and clinical practicum education to meet the requirements for the master's degree.
 - f) In lieu of meeting the requirements set forth in subsections (a) through (e) above, the Department will accept a letter of verification from the American Speech-Language-Hearing Association that the applicant has completed the Clinical Fellowship Year required for certification as a speech-language pathologist or audiologist.

Section 1465.40 Application for Licensure
EMERGENCY

Each applicant for a speech-language pathology or audiology license shall file an application with the Department, on forms provided by the Department. The application shall include:

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NOTICE OF EMERGENCY RULES

- a) certification, on forms provided by the Department, of a master's degree from a program approved by the Department in accordance with Section 1465.20;
- b) passage of the National Examinations in Speech-Language Pathology and/or Audiology set forth in Section 1465.50 or certification from the American Speech-Language-Hearing Association pursuant to Section 8(e) of the Act. Exam scores shall be submitted directly to the Department from the testing service;
- c) certification, on forms provided by the Department, of completion of the equivalent of 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;
- d) a complete work history since completion of a baccalaureate degree program; and
- e) the required fee as set forth in Section 14(a)(1) of the Act.

Section 1465.50 Examination
EMERGENCY

- a) The examinations for licensure as a licensed speech-language pathologist and/or licensed audiologist are the National Examinations in Speech-Language Pathology or Audiology.
- b) Candidates for the examination shall make application and pay the examination fee directly to the designated testing service.
- c) Application to the testing services for purposes of the examination shall not constitute application to the Department for licensure.

Section 1465.60 Endorsement
EMERGENCY

- a) An applicant for a license as a speech-language pathologist or audiologist who is licensed under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:
 - 1) certification, on forms provided by the Department, of a master's degree from a program approved by the Department in accordance with Section 1465.20;
 - 2) certification, on forms provided by the Department, of completion of the equivalent to 9 months of full-time supervised professional experience as set forth in Section 1465.30 of this Part;

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- 3) In lieu of the certifications required in subsections (1) and (2) above, the applicant may submit verification of holding current certification from the American Speech-Language-Hearing Association that the person is a certified speech-language pathologist or audiologist;
- 4) certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and any state in which the applicant is currently licensed, stating:
 - A) the time during which the applicant was licensed;
 - B) whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
 - C) examination(s) taken and examination score(s) received.
- 5) a complete work history since completion of a baccalaureate degree program; and
- 6) the required fee as set forth in Section 14(a)(2) of the Act.

- b) The Department may require additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois at the time of original licensure or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

POLLUTION CONTROL BOARD

NOTICE OF REFUSAL
TO MEET THE OBJECTION OF THE JOINT COMMITTEE
ON ADMINISTRATIVE RULES

- 1) The Heading of the Part: Permits And General Provisions
- 2) Code Citation: 35 Ill. Adm. Code 201
- 3) Section Numbers:

201.281	Action
201.401	Amend
201.402	Add
201.403	Add
201.404	Add
201.405	Add
201.406	Add
201.407	Add
201.408	Add

- 4) Date Notice of Proposed Rules Published in the Register (if applicable):

March 18, 1988 12 Ill. Reg. 5154
(issue date)

- 5) Date JCAR Statement of Objection Published in the Register:

December 2, 1988 12 Ill. Reg. 20221
(issue date)

- 6) Summary of Action Taken by the Agency:

On November 15, 1988 JCAR issued its Formal Objection stating as follows:

".... the Board could have provided the Joint Committee with a more detailed analysis of the economic effects of these rules. Although only the monitors are required by the rules, the other costs associated with installation can vary, and specific examples were provided to the Board by facilities that are already in compliance. The Board also knew what facilities would have to install monitors and boilers as a result of these rules, and the number of monitors and boilers required at each facility."

On December 15, 1988 the Board issued its Resolution In Response To JCAR Objection, which stated reasons for disagreeing with JCAR's Objection. The Resolution noted that Board answers were intended to be as comprehensive as possible when stating that any economic impacts would depend upon the facility in question (some had already installed monitor

POLLUTION CONTROL BOARD

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equipment) and whether extensive infrastructure alternations would be needed. However, the Board did note its failure to provide all evidence of monetary impact submitted during hearings.

Finally, the Board notes that R87-38 is the result of a joint initiative proposed by government, the regulated industries and Citizens For A Better Environment, in settlement of *C.B.E. et al. v. USEPA*, 80 C0003, US Dist. Ct. (N.D. Illinois); and that any refusal to adopt the proposed rule would undermine the consensus reached among the parties, nullifying the agreed federal settlement and possibly make governmental regulation of certain air pollution sources more difficult and costly.

The Board's action of December 15, 1988 constituted a refusal to meet or alter the proposal notwithstanding the JCAR Objection.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) The Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois - Social Security Unit

- 2) Code Citation: 80 Ill. Adm. Code 1570

<u>Section Numbers:</u>	<u>Action:</u>
1570.40	Refusal
1570.60	Refusal
1570.70	Refusal
1570.80	Refusal
1570.90	Refusal
1570.100	Refusal
1570.110	Refusal
1570.150	Refusal
1570.160	Refusal

- 4) Date Notice of Proposed Rules Published in the Register:

September 9, 1988 12 Ill. Reg. 14122

- 5) Date JCAR Statement of Objection Published in the Register:

December 20, 1988 12 Ill. Reg. 22492

- 6) Summary of Action Taken by the Agency:

While we agree that a significant delay did occur between passage of the Federal Omnibus Reconciliation Act of 1986, which necessitated this rulemaking, and our actual filing of amended rules, we do not believe that this delay in any way adversely affected units of state and local government in Illinois. In this instance, the 1986 federal law change simply changed contribution and wage reporting effective January 1, 1987, from the control of the state directly to the Internal Revenue Service. This change, which was communicated to all covered units removed this function from the control of the State Employees' Retirement System as the State Social Security Administrator. The proposed rulemaking simply implemented this reporting change by sunsetting various provisions contained in our rules and regulations affecting the contribution and wage reporting function.

Therefore, the proposed rule, incorporating the previously agreed modifications, shall be adopted.

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
BY FIRST OF AMERICA BANK CORPORATION TO ACQUIRE
WHITESIDE COUNTY BANK

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957 (Ill. Rev. Stat. 1987, ch. 17, par. 2510.01(d)) notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by First of America Bank Corporation, 108 East Michigan Avenue, Kalamazoo, Michigan 49007 to acquire Whiteside County Bank, 220 East Main Street, Morrison, Illinois 61270.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to either:

William L. Conaghan or
Maria A. O'Donnell
Commissioner of Banks and Trust Companies
310 South Michigan Avenue, Suite 2130
Chicago, Illinois 60604

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 17, 1988 through January 20, 1989 and have been scheduled for review by the Committee at its March 1, 1989 meeting. Other items not contained in this published list may also be considered by the Joint Committee at its March meeting. Members of the public wishing to express their views with respect to a proposed rule should submit written comments to the Joint Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Room 500, Springfield, IL 62701.

Second Notice Expires	Agency and Rule	Start of First Notice	Scheduled for Consideration by JCAR
3/6/89	Department of Children and Family Services, Background Checks (89 Ill. Adm. Code 385)	9/2/88 12 Ill. Reg. 13744	March 1, 1989
3/6/89	Secretary of State, Collection of Fees (92 Ill. Adm. Code 1003)	12/2/88 12 Ill. Reg. 20019	March 1, 1989
3/6/89	Department of Central Management Services, Day Care (89 Ill. Adm. Code 1300)	11/18/88 12 Ill. Reg. 19223	March 1, 1989

PROCLAMATION
89-029

American Homeless Awareness Day

WHEREAS, homelessness in the United States has been largely ignored as a problem and has thus grown into a crisis needing immediate attention; and

WHEREAS, between 650,000 and 3 million Americans are now considered to be homeless; and

WHEREAS, there has yet to be created a comprehensive national plan or policy addressing this serious issue; and

WHEREAS, on January 11, booksellers from all 50 states, the District of Columbia and Puerto Rico will travel to their capitals to meet with the governors of those states and provinces to promote the need for attention and solutions to homelessness in America;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim January 11, 1989, as AMERICAN HOMELESS AWARENESS DAY in Illinois, hoping that the proper action will soon be taken to eliminate this problem which should not exist in our great country.

Issued January 10, 1989. Filed January 23, 1989.

PROCLAMATION
89-030

Community Action Day

WHEREAS, the Economic Opportunity Act of 1964 helped eliminate the paradox of poverty in the midst of plenty for our country; and

WHEREAS, because of this landmark legislation, Community Action Agencies began a proud tradition of service to the poor, elderly and disabled citizens of Illinois and the rest of America; and

WHEREAS, over 3 million Illinois residents have been served by these agencies which operate in all 102 counties of the state; and

WHEREAS, Community Action Agencies of Illinois will be celebrating 25 years of service to our state and country this year;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim August 20, 1989, as COMMUNITY ACTION DAY in Illinois, recognizing the 25 years of benevolent service the Community Action Agencies and the Community Action Association have provided our state.

Issued January 13, 1989. Filed January 23, 1989.

PROCLAMATION
89-031
Orchid Week

WHEREAS, the orchid is a wondrous and unique plant that has great appeal to people, and it is the largest family of flowering plants on earth; and

WHEREAS, Illinois is favored by having a number of the nation's outstanding orchidists who, in turn, have contributed to the improvement and appreciation of this truly magnificent flower; and

WHEREAS, the American Orchid Society, in conjunction with the Mid-America Orchid Congress, has honored the ILLINOIS Orchid Society, a bi-state organization consisting of members from both the Illinois and Iowa communities, as hosts for the 1989 Spring Mid-America Orchid Congress; and

WHEREAS, the ILLINOIS Orchid Society will sponsor this major orchid show honoring this event at the Davenport River Center;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim April 3-9, 1989, as ORCHID WEEK in Illinois. I urge all members of the community to express their best wishes to the members of the ILLINOIS Orchid Society and congratulate them for their great achievements. I further commend all those associated with the River Center Orchid Congress & Exhibition for their magnificent contribution to the flora-culture.

Issued January 13, 1989. Filed January 23, 1989.

PROCLAMATION
89-032
Sales And Marketing Month

WHEREAS, a fundamental precept of the principles upon which the United States is founded is the free and increasing exchange and distribution of goods and services for the benefit of all people; and

WHEREAS, the orderly distribution of the output of our companies and corporations is vital to their continuing efficient operation; and

WHEREAS, sales and marketing professionals are the purveyors of goods that fulfill society's needs and wants, and they are the imaginative developers of markets and ideas for the effective and ever-increasing employment of Illinois citizens and facilities;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 1989 as SALES AND MARKETING MONTH in Illinois, urging all members of the business, labor, agricultural, educational, and civic professions to participate in this observance.

Issued January 13, 1989. Filed January 23, 1989.

PROCLAMATION
89-033

Poison Prevention Week

89

WHEREAS, all citizens should be made aware of the ever-present dangers posed by potentially poisonous household substances; and

WHEREAS, our youngsters too often gain access to commonly used drugs and medicines and to such potentially toxic household products as polishers, cleaners, lighter fluids, anti-freeze, and paint solvents; and

WHEREAS, the informational and educational programs of annual Poison Prevention Week observances have been instrumental in awakening individuals to the need for poison prevention; and

WHEREAS, the Illinois Department of Public Health has been working with local government counterparts and other statewide organizations in programs to inform the people of our state about the hazards of accidental poisoning;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim March 20-26, 1989, as POISON PREVENTION WEEK in Illinois, and stress the importance of child-restraint packaging for medicines and potentially hazardous household products.

Issued January 18, 1989. Filed January 23, 1989.

PROCLAMATION
89-034

Ukrainian Independence Day

WHEREAS, Ukrainians have sought the refuge of our land and contributed to its growth and prosperity for over 100 years. Every year, in the freedom of America, they celebrate January 22 as their Day of Independence; and

WHEREAS, on that day in 1918 the Ukrainians, whose land had so often been invaded and torn by strife, proclaimed the reunification of their country. But other occupations followed, and their independence was short-lived; and

WHEREAS, many Ukrainians have left their homeland, but have not forgotten their heritage. By bringing their characteristics, culture and ethnic practices to America, they have added to its colorful tapestry and strength;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim January 22, 1989, as UKRAINIAN INDEPENDENCE DAY in Illinois. I encourage all Illinoisans to note the significance of this event.

Issued January 18, 1989. Filed January 23, 1989.

PROCLAMATION

89-035

Free Enterprise Week

WHEREAS, Distributive Education Clubs of America (DECA) were established nationally in 1946 and currently have 180,000 members throughout the United States, Canada and Puerto Rico; and

WHEREAS, Distributive Education Clubs were chartered in the State of Illinois in 1957 and now have 950 members participating in student work programs; and

WHEREAS, Distributive Education is a vocational education program designed to improve students' knowledge and skills in the areas of marketing, merchandising and management. The program affords students the opportunity to learn job responsibilities and promotes leadership and career understanding; and

WHEREAS, students participating in this student work organization provide their employers with dedicated, service-oriented employees who are eager to acquire knowledge about marketing and sales systems; and

WHEREAS, DECA chapters throughout Illinois are working on a project to raise the awareness and appreciation of America's free enterprise system;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 12-18, 1989, as FREE ENTERPRISE WEEK in Illinois, in recognition of the contributions Distributive Education has made to students, their communities and the free enterprise system.

Issued January 19, 1989. Filed January 23, 1989.

PROCLAMATION

89-036

Snowmobile Safety Week

WHEREAS, snowmobiling is a family sport enjoyed throughout Illinois; and

WHEREAS, in addition to their recreational use, snowmobiles are frequently the only means of transportation in heavy snow conditions; and

WHEREAS, those who participate in the Illinois Association of Snowmobile Clubs have been most generous with their time in helping stranded citizens in such situations; and

WHEREAS, the members of those snowmobile clubs, the primary pursuit of which is safety education, also participate in the Illinois Department of Conservation's Snowmobile Safety Program;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 5-11, 1989, as SNOWMOBILE SAFETY WEEK in Illinois, and I encourage all snowmobilers to take advantage of the safety instruction available in our state.

Issued January 19, 1989. Filed January 23, 1989.

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PROCLAMATION

89-037

Women In Sports Day

WHEREAS, programs and opportunities for women in sports have greatly increased during recent years, but athletic opportunities for male students at high school and collegiate levels oftentimes remain greater than those for female students; and

WHEREAS, the Women's Sports Foundation advocates equal opportunity for girls and women in sports and recognizes the importance of encouraging sports and fitness for individuals of every age, shape, sex and color; and

WHEREAS, early motor-skill training and enjoyable experience of physical activity strongly influence lifelong habits of physical fitness. Abilities and skills developed through athletic experience play a key role in the athlete's contributions to society; and

WHEREAS, the goals of the Women's Sports Foundation are to promote information, opportunities and the means for females of all ages to develop skills in the sport of their choice and so provide them with the benefits of a physically active lifestyle; and

WHEREAS, the accomplishments of women in sports deserve recognition throughout the state and nation; and

WHEREAS, bonds built between women through athletics help to break down social barriers of racism and prejudice;

THEREFORE, I, James R. Thompson, Governor of the State of Illinois, proclaim February 4, 1989, as WOMEN IN SPORTS DAY in Illinois, in celebration of the value of sports for women.

JCAR - Joint Committee on Administrative Rules	
ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by JCAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285	Ill. Grain Insurance Act (P-18048/85; A-6818)						
TITLE	PART	ACTION CODE	PAGE NUMBER	PREVIOUS VOLUME	ACTION CODE	PAGE NUMBER	ACTION CODE

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240	Community Care Program (P-685)
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AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 700	Farmland Preservation Act (P-14786/88; A-285)
8 Ill. Adm. Code 125	Meat & Poultry Inspection Act (PP-228)

CAPITAL DEVELOPMENT BOARD

71 Ill. Adm. Code 40	Standards for Award of Grants Elementary & Secondary Schools Capital Assistance Program (P-1283)
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CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

80 Ill. Adm. Code 310	Pay Plan (P-20584/88; RC-1254) (P-1296)
80 Ill. Adm. Code 2650	Solicitation for Charitable Payroll Deductions (P-687/88; O-1256)
80 Ill. Adm. Code 2110	State of Ill. Dependent Care Assistance Plan (P-1) (E-214)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 570	Ill. Small Business Development Program (P-2071/87; A-58)
47 Ill. Adm. Code 120	State Administration of the Federal Community Services Block Grant Program (P-852/88; A-779) (P-1311)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 435	Electric Utility Forecasting (G.O.215) (PP-3)
83 Ill. Adm. Code 440	Least-Cost Planning for Electric Utilities (P-3162/88; A-296)

COMMERCE COMMISSION, ILLINOIS (CONT'D)

92 Ill. Adm. Code 1710	Relocation Towing (P-10)
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COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501	Administration of the Ill. Public Community College Act (P-16313/88; A-1182)
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CONSERVATION, DEPARTMENT OF

17 Ill. Adm. Code 2030	Designation of Restricted Waters in the State of Ill. (P-13820/88; A-20472/88; CC-967)
17 Ill. Adm. Code 220	North Point Marina (P-731)

CORRECTIONS, DEPARTMENT OF

2 Ill. Adm. Code 850	Public Information, Rulemaking & Organization (A-1510)
20 Ill. Adm. Code 107	Records of Committed Persons (P-979)

CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS

20 Ill. Adm. Code 1520	Operating Procedures for the Administration of Federal Funds (P-1317) (E-1605)
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EDUCATION, STATE BOARD OF

23 Ill. Adm. Code 275	Pupil Transportation (P-12745/88; A-1532)
23 Ill. Adm. Code 230	Summer School for Gifted & Remedial Education (P-12717/88; A-1535)

EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS

23 Ill. Adm. Code 2310	Functions & Planning Program (P-1319)
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EMPLOYMENT SECURITY, DEPARTMENT OF

56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-743)
56 Ill. Adm. Code 2712	General Applications (P-15257/88; O-22482/88; R-965; A-795)
56 Ill. Adm. Code 2960	General Provisions (P-17)
56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-752)

ENVIRONMENTAL PROTECTION AGENCY

35 Ill. Adm. Code 378	Effluent Disinfection Exemptions (P-1275/88; A-1190)
35 Ill. Adm. Code 251	Procedures for Collection of Air Pollution Site Fees (E-955)

FINANCIAL INSTITUTIONS, DEPARTMENT OF

38 Ill. Adm. Code 190	Ill. Credit Union Act (P-14097/88; O-22489/88; A-966)
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FIRE MARSHAL, OFFICE OF THE STATE

41 Ill. Adm. Code 100	Fire Prevention & Safety (E-582) (P-1325)
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HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS

77 Ill. Adm. Code 2510	Data Collection (P-1369/88; A-354)
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INSURANCE, DEPARTMENT OF

50 Ill. Adm. Code 919	Improper Claims Practice (P-135/88; C-17456/88; A-1204)
50 Ill. Adm. Code 2008	Minimum Standards for Individual & Group Medicare Supplement Insurance (P-2511) (E-386)
50 Ill. Adm. Code 754	Rules & Rate Filings (P-2057/88; A-1542)

INVESTMENT, ILLINOIS STATE BOARD OF

80 Ill. Adm. Code 2700	State (of Ill.) Employees' Deferred Compensation Plan (P-2513) (E-629)
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80 Ill. Adm. Code 1100	General Procedures (P-1327)
80 Ill. Adm. Code 1105	Hearing Procedures (P-135)
80 Ill. Adm. Code 1110	Representation Procedures (P-1355)
80 Ill. Adm. Code 1120	Unfair Labor Practice Proceedings (P-1379)

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF

32 Ill. Adm. Code 401 Accrediting Persons in the Practice of Medical Radiation Technology (P-982)
 32 Ill. Adm. Code 410 Radiation Inspectors & Inspections (P-13841/88; A-342)
 32 Ill. Adm. Code 360 Use of X-Rays in the Healing Arts Including Medical, Dental, Podiatry, & Veterinary Medicine (P-13858/88; A-803)

POLLUTION CONTROL BOARD

35 Ill. Adm. Code 304 Effluent Standards (P-11669/88; A-851)
 35 Ill. Adm. Code 604 Finished Water & Raw Water Quality & Quantity (P-255)
 35 Ill. Adm. Code 720 Hazardous Waste Management System: General (P-1537/88; A-362)
 35 Ill. Adm. Code 721 Identification & Listing of Hazardous Waste (P-15347/88; A-382)
 35 Ill. Adm. Code 725 Interim Status Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15402/88; A-437)
 35 Ill. Adm. Code 601 Introduction (P-262)
 35 Ill. Adm. Code 201 Permits & General Provisions (P-5154/88; O-20221/88; R-1624)
 35 Ill. Adm. Code 703 RCRA Permit Program (P-15444/88; A-447)
 35 Ill. Adm. Code 605 Sampling & Monitoring (P-269)
 35 Ill. Adm. Code 722 Standards Applicable to Generators of Hazardous Waste (P-15449/88; A-452)
 35 Ill. Adm. Code 724 Standards for Owners & Operators of Hazardous Waste Treatment, Storage & Disposal Facilities (P-15455/88; A-458)
 35 Ill. Adm. Code 704 UIC Permit Program (P-17167/88; A-478)

PROFESSIONAL REGULATION, DEPARTMENT OF

68 Ill. Adm. Code 1465 Ill. Speech-Language Pathology & Audiology Practice Act, The (P-1388) (E-1616)
 68 Ill. Adm. Code 1285 Medical Practice Act of 1987 (P-274) (P-8571/88; A-483) (E-651)
 68 Ill. Adm. Code 1280 Medical Practice Act of 1987 (PR-8536/88; AR-513)

PUBLIC AID, DEPARTMENT OF

89 Ill. Adm. Code 112 Aid to Families with Dependent Children (P-15905/88; A-70)
 89 Ill. Adm. Code 113 Aid to the Aged, Blind or Disabled (P-15898/88; A-63)
 89 Ill. Adm. Code 111 Assistance Standards (P-15920/88; A-85)
 89 Ill. Adm. Code 160 Child Support Enforcement (P-1396)
 89 Ill. Adm. Code 141 Drug Manual (P-15483/88; A-516)
 89 Ill. Adm. Code 114 General Assistance (P-14996/88; A-89) (P-15924/88; A-89) (P-17621/88; A-1546)
 89 Ill. Adm. Code 149 Ill. Competitive Access & Reimbursement Equity (ICARE) Program (P-13917/88; A-554)
 89 Ill. Adm. Code 120 Medical Assistance Programs (P-15938/88; A-116)
 89 Ill. Adm. Code 140 Medical Payment (P-11995/88; A-125) (P-16421/88; O-1259) (P-17172/88; O-1263) (P-1420)
 89 Ill. Adm. Code 147 Reimbursement for Nursing Costs for Geriatric Facilities (P-10627/88; O-20231/88; R-677; A-559)

PUBLIC HEALTH, DEPARTMENT OF

77 Ill. Adm. Code 790 Ill. Formulary for the Drug Product Selection Program, The (P-12991/88; A-356) (P-16425/88; A-856)
 77 Ill. Adm. Code 380 Residential Rehabilitation Facilities Code (P-987)

RACING BOARD, ILLINOIS

11 Ill. Adm. Code 422 Approval of Racing Officials (P-13922/88; A-1558)
 11 Ill. Adm. Code 208 Charitable Funds (P-13926/88; O-20234/88; M-1250; A-1232)
 11 Ill. Adm. Code 437 County Fair Regs. (P-1099)
 11 Ill. Adm. Code 502 Licensing (P-17755/88; A-1562)
 11 Ill. Adm. Code 1409 Ownership, Partnership & Stable Name (P-17761/88; O-1266)
 11 Ill. Adm. Code 1308 Racing, Farm & Corporate or Stable Name (P-17766/88; O-1268)

RECORDS COMMISSION, STATE

44 Ill. Adm. Code 4400 State Records Commission (P-44)

REHABILITATION SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 530 Criteria for the Evaluation of Programs of Services in Rehabilitation Facilities (P-3565/88; A-141)
 89 Ill. Adm. Code 552 Eligibility (P-52) (P-277)
 89 Ill. Adm. Code 607 Other Services (P-56) (E-225)
 89 Ill. Adm. Code 567 Similar Benefits (P-281)
 89 Ill. Adm. Code 597 Tools, Equipment, Supplies & Initial Stock (P-2197/88; A-1568)
 89 Ill. Adm. Code 592 Training Services (P-2092/88; A-1573)

RETIREMENT SYSTEM OF ILLINOIS, STATE EMPLOYEES

80 Ill. Adm. Code 1570 Administration & Operation of the State Employees' Retirement System of Ill. - Social Security Unit, The (P-14122/88; O-22492/88; R-1626; A-1577)

REVENUE, DEPARTMENT OF

86 Ill. Adm. Code 600 County Supplementary Retailers' Occupation Tax Regs. (P-1448)
 86 Ill. Adm. Code 610 County Supplementary Service Occupation Tax Regs. (P-1460)
 86 Ill. Adm. Code 620 County Supplementary Use Tax Regs. (P-1468)
 86 Ill. Adm. Code 630 County Water Commission Retailers' Occupation Tax Regs. (P-1473)
 86 Ill. Adm. Code 640 County Water Commission Service Occupation Tax Regs. (P-1485)
 86 Ill. Adm. Code 650 County Water Commission Use Tax Regs. (P-1493)
 86 Ill. Adm. Code 100 Income Tax Regs. (P-768)
 86 Ill. Adm. Code 432 Pull Tabs & Jar Games Act (P-15027/88; A-191)
 86 Ill. Adm. Code 530 Senior Citizens & Disabled Persons Property Tax Relief & Pharmaceutical Assistance Act (P-11104/88; A-1589)
 86 Ill. Adm. Code 151 Vehicle Use Tax Regs. (P-1498)

SECRETARY OF STATE

92 Ill. Adm. Code 1040 Cancellation, Revocation or Suspension of Licenses or Permits (P-15947/88; A-1593)
 92 Ill. Adm. Code 1010 Certificates of Title, Registration of Vehicles (P-1103) (P-16432/88; A-1598)
 23 Ill. Adm. Code 3030 Ill. Library System Act, The (P-12180/88; A-1244)

STATE POLICE, DEPARTMENT OF

20 Ill. Adm. Code 1295 Certification & Training of Electronic Criminal Surveillance Officers (P-17064; RC-1270)

TRANSPORTATION, DEPARTMENT OF

92 Ill. Adm. Code 545 Financing the Installation & Maintenance of School Traffic Signals & Commercial-Industrial Traffic Signals on State Highways (P-1111)
 92 Ill. Adm. Code 708 Floodway Construction in Northeastern Ill. (P-1503)
 92 Ill. Adm. Code 448 Official Testing Stations (P-1127)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Agenda

January 9, 1989

Second Notices Received

242, 668, 969, 1275, 1628

PUBLIC INFORMATION

BANKS AND TRUST COMPANIES, COMMISSIONER OF

Notice of Acceptance of an Application by First of America Bank Corporation to Acquire Whiteside County Bank

Notice of Acceptance of an Application by Old National Bancorp to Acquire the First National Bank of Harrisburg

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

89-001	James R. Wolfe's Memorial Award Day	669
89-002	Chicago Opera Theater Week	670
89-003	American History Month	671
89-004	Congratulations Frank R. Adams	672
89-005	Vocational Education Week	673
89-006	Volunteer Connection Day	674
89-007	Cerebral Palsy Month	675
89-008	Four Chaplains Sunday	676
89-009	Homemakers Extension Association Week	677
89-010	Ill. Trail Appreciation Month	678
89-011	Ill. Trail Appreciation Month (Revised)	1277
89-012	School Social Work Week	679
89-013	American Savings & Loan/100th Anniversary	680
89-014	Center For Children's Services Day	681
89-015	Child Find Month	682
89-016	Jaycee Week	683
89-017	Commissioned Corps of the United States Public Health Service Day	684
89-018	Salutes India Month	971
89-019	Junior Achievement Week	972
89-020	Kiwanis Week	973
89-021	Land Surveyors' Month	974
89-022	Smiles for Little City Days	975
89-023	Chicago Advertising Woman of the Year Week	976
89-024	Dr. Martin Luther King Day	977
89-025	Declares the Counties of Edwards, Wabash, Wayne & White to be Disaster Areas	978
89-026	ROTC Week	1278
89-027	Seed Month	1279
89-028	Amateur Athletic Union Physique Day	1280
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89-030	American Homeless Awareness Day	1629
89-031	Community Action Day	1630
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89-033	Sales & Marketing Month	1632
89-034	Poison Prevention Week	1633
89-035	Ukrainian Independence Day	1634
89-036	Free Enterprise Week	1635
89-037	Snowmobile Safety Week	1636
	Women in Sports Day	1637

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am	= amendment to existing Section	A	= Adopted rule
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n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
		O	= ICAR Objection
		P	= Proposed rule
		PF	= Prohibited Filing
		PP	= Peremptory rule
		R	= Refusal to Modify or Withdraw
		RC	= ICAR Recommendation
		S	= Suspended rule
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TITLE 8		TITLE 17	
125.10	am (PP-223)	220.10	n (P-731)
125.260	am (PP-228)	220.20	n (P-731)
125.270	am (PP-228)	220.30	n (P-731)
700, Ap. 1	am (P-14786/88; A-285)	220.40	n (P-731)
		220.50	n (P-731)
		220.60	n (P-731)
		220.70	n (P-731)
		220.80	n (P-731)
		220.90	n (P-731)
TITLE 11		TITLE 20	
208.10	n (P-13926/88; O-20234/88; R-1250; M-1250; A-1232)	107.170	r (P-979)
208.20	n (P-13926/88; O-20234/88; R-1250; A-1232)	1295.40	n (P-17064/88; RC-1270)
208.30	n (P-13926/88; O-20234/88; R-1250; A-1232)	1295.50	n (P-17064/88; RC-1270)
208.40	n (P-13926/88; O-20234/88; R-1250; A-1232)	1295.60	n (P-17064/88; RC-1270)
208.100	n (P-13926/88; O-20234/88; R-1250; A-1232)	1295.70	n (P-17064/88; RC-1270)
208.110	n (P-13926/88; O-20234/88; R-1250; A-1232)		
208.120	n (P-13926/88; O-20234/88; R-1250; A-1232)	TITLE 21	
437.10	n (P-1099)	1501.509	am (P-16313/88; A-1182)
437.20	n (P-1099)	3030.60	r (P-12180/88; A-1244)
437.30	n (P-1099)	3030.105	am (P-12180/88; A-1244)
437.40	n (P-1099)	TITLE 32	
1308.30	n (P-17766/88; O-1268)	360.10	am (P-13858/88; A-803)
1308.40	n (P-17766/88; O-1268)	360.20	am (P-13858/88; A-803)
1409.120	am (P-17761/88; O-1266)	360.30	am (P-13858/88; A-803)
1409.130	am (P-17761/88; O-1266)	360.40	am (P-13858/88; A-803)
		360.50	am (P-13858/88; A-803)
		360.60	am (P-13858/88; A-803)
		360.70	am (P-13858/88; A-803)
		360.80	am (P-13858/88; A-803)
		360.90	am (P-13858/88; A-803)
TITLE 14			
570.30	am (P-20714/87; A-58)		

MINES AND MINERALS, DEPARTMENT OF

62 Ill. Adm. Code 220 Surface Installation Health & Safety (P-23) (P-756)

NUCLEAR SAFETY, DEPARTMENT OF

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		R	= Refusal to Modify or Withdraw
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		S	= Suspended rule
		W	= Withdrawal of Proposed rule

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125.10	am (PP-223)	220.10	n (P-731)
125.260	am (PP-228)	220.20	n (P-731)
125.270	am (PP-228)	220.30	n (P-731)
700.Ap. I	am (P-14786/88; A-285)	220.40	n (P-731)
TITLE 11		220.50	n (P-731)
208.10	n (P-13926/88; O-20234/88; R-1250;	220.60	n (P-731)
208.20	n M-1250; A-1232)	220.70	n (P-731)
208.30	n (P-13926/88; O-20234/88; R-1250;	220.80	n (P-731)
208.40	n A-1232)	220.90	n (P-731)
208.100	n (P-13926/88; O-20234/88; R-1250;	TITLE 20	
208.110	n A-1232)	107.170	r (P-979)
208.120	n (P-13926/88; O-20234/88; R-1250;	1295.40	n (P-17064/88; RC-1270)
437.10	n A-1232)	1295.50	n (P-17064/88; RC-1270)
437.20	n (P-1099)	1295.60	n (P-17064/88; RC-1270)
437.30	n (P-1099)	1295.70	n (P-17064/88; RC-1270)
437.40	n (P-1099)	TITLE 23	
1308.30	n (P-17766/88; O-1268)	1501.509	am (P-16313/88; A-1182)
1308.40	n (P-17766/88; O-1268)	3030.60	r (P-12180/88; A-1244)
1409.120	am (P-17761/88; O-1266)	3030.105	am (P-12180/88; A-1244)
1409.130	am (P-17761/88; O-1266)	TITLE 32	
TITLE 14		360.10	am (P-13858/88; A-803)
570.30	am (P-20714/87; A-56)	360.20	am (P-13858/88; A-803)
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		360.50	am (P-13858/88; A-803)
		360.60	am (P-13858/88; A-803)
		360.70	am (P-13858/88; A-803)
		360.80	am (P-13858/88; A-803)
		360.90	am (P-13858/88; A-803)

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380.700	n	(P-987)	
380.710	n	(P-987)	
380.720	n	(P-987)	
380.730	n	(P-987)	
380.740	n	(P-987)	
380.750	n	(P-987)	
380.760	n	(P-987)	
380.770	n	(P-987)	
380.780	n	(P-987)	
380.790	n	(P-987)	
380.800	n	(P-987)	
380.810	n	(P-987)	
380.820	n	(P-987)	
380.830	n	(P-987)	
380.840	n	(P-987)	
380.850	n	(P-987)	
380.860	n	(P-987)	
380.870	n	(P-987)	
380.880	n	(P-987)	
380.890	n	(P-987)	
380.900	n	(P-987)	
380.910	n	(P-987)	
790.460	am	(P-12991/88; P-16425/88; A-856)	
790.500	am	(P-12991/88; P-16425/88; A-856)	
790.540	am	(P-12991/88; P-16425/88; A-856)	
790.580	am	(P-16425/88; A-856)	
790.600	am	(P-16425/88; A-856)	
790.630	am	(P-12991/88; A-856)	
790.799	am	(P-12991/88; A-856)	
790.799	am	(P-16425/88; A-856)	
790.860	am	(P-16425/88; A-856)	
790.900	am	(P-16425/88; A-856)	
790.905	am	(P-16425/88; A-856)	
790.910	am	(P-12991/88; A-856)	
790.940	am	(P-12991/88; A-856)	
790.974	am	(P-16425/88; A-856)	
790.1060	am	(P-12991/88; A-856)	
790.1100	r	(P-16425/88; A-856)	
790.1125	n	(P-16425/88; A-856)	
790.1127	n	(P-16425/88; A-856)	
790.1129	n	(P-16425/88; A-856)	
790.1131	n	(P-16425/88; A-856)	
790.1300	am	(P-16425/88; A-856)	
790.1345	am	(P-16425/88; A-856)	
790.1440	n	(P-16425/88; A-856)	
790.1460	am	(P-16425/88; A-856)	
790.1560	am	(P-12991/88; P-16425/88; A-856)	
790.1570	n	(P-16425/88; A-856)	
790.1577	am	(P-16425/88; A-856)	
790.1620	am	(P-12991/88; A-856)	
790.1660	am	(P-16425/88; A-856)	
790.1685	am	(P-12991/88; A-856)	
790.1721	am	(P-16425/88; A-856)	
790.1740	am	(P-16425/88; A-856)	
790.1930	am	(P-16425/88; A-856)	
790.2060	am	(P-16425/88; A-856)	

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790.2097	am	(P-12991/88; A-856)	
790.2140	am	(P-12991/88; P-16425/88; A-856)	
790.2180	am	(P-16425/88; A-856)	
790.2260	am	(P-16425/88; A-856)	
790.2340	am	(P-16425/88; A-856)	
790.2380	am	(P-16425/88; A-856)	
790.2500	am	(P-12991/88; P-16425/88; A-856)	
790.2540	am	(P-16425/88; A-856)	
790.2580	am	(P-16425/88; A-856)	
790.2605	am	(P-12991/88; P-16425/88; A-856)	
790.2613	am	(P-16425/88; A-856)	
790.2617	am	(P-16425/88; A-856)	
790.2618	am	(P-12991/88; P-16425/88; A-856)	
790.2780	am	(P-16425/88; A-856)	
790.2860	am	(P-16425/88; A-856)	
790.2900	am	(P-16425/88; A-856)	
790.2904	am	(P-16425/88; A-856)	
790.2928	r	(P-16425/88; A-856)	
790.2928	n	(P-12991/88; A-856)	
790.2932	am	(P-16425/88; A-856)	
790.3020	am	(P-16425/88; A-856)	
790.3027	am	(P-16425/88; A-856)	
790.3085	am	(P-16425/88; A-856)	
790.3100	am	(P-16425/88; A-856)	
790.3300	am	(P-16425/88; A-856)	
790.3335	am	(P-16425/88; A-856)	
790.3340	am	(P-12991/88; P-16425/88; A-856)	
790.3420	am	(P-12991/88; A-856)	
790.3425	am	(P-16425/88; A-856)	
790.3437	am	(P-12991/88; A-856)	
790.3440	n	(P-16425/88; A-856)	
790.3475	n	(P-16425/88; A-856)	
790.3500	am	(P-16425/88; A-856)	
790.3540	am	(P-16425/88; A-856)	
790.3620	am	(P-12991/88; P-16425/88; A-856)	
790.3720	n	(P-16425/88; A-856)	
790.3900	am	(P-16425/88; A-856)	
790.3907	am	(P-12991/88; A-856)	
790.3910	n	(P-12991/88; P-16425/88; A-856)	
790.3945	am	(P-16425/88; A-856)	
790.4012	am	(P-16425/88; A-856)	
790.4040	am	(P-16425/88; A-856)	
790.4060	am	(P-16425/88; A-856)	
790.4100	am	(P-12991/88; P-16425/88; A-856)	
790.4220	am	(P-16425/88; A-856)	
790.4396	am	(P-12991/88; P-16425/88; A-856)	
790.4398	am	(P-12991/88; P-16425/88; A-856)	
790.4430	am	(P-16425/88; A-856)	
790.4460	am	(P-16425/88; A-856)	
790.4580	am	(P-12991/88; A-856)	
790.4620	am	(P-16425/88; A-856)	
790.4660	am	(P-16425/88; A-856)	
790.4670	am	(P-12991/88; A-856)	
790.4680	am	(P-12991/88; A-856)	
790.4720	am	(P-12991/88; P-16425/88; A-856)	
790.4740	am	(P-12991/88; P-16425/88; A-856)	

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790.4960	n	(P-16425/88; A-856)	
790.5060	am	(P-16425/88; A-856)	
790.5140	am	(P-12991/88; P-16425/88; A-856)	
790.5180	am	(P-16425/88; A-856)	
790.5220	am	(P-12991/88; A-856)	
790.5300	am	(P-16425/88; A-856)	
790.5312	am	(P-12991/88; A-856)	
790.5420	am	(P-16425/88; A-856)	
790.5483	am	(P-12991/88; P-16425/88; A-856)	
790.5520	n	(P-16425/88; A-856)	
790.5530	am	(P-16425/88; A-856)	
790.5540	am	(P-16425/88; A-856)	
790.5544	am	(P-12991/88; P-16425/88; A-856)	
790.5560	n	(P-16425/88; A-856)	
790.5620	am	(P-12991/88; P-16425/88; A-856)	
790.5640	n	(P-12991/88; A-856)	
790.5702	am	(P-12991/88; P-16425/88; A-856)	
790.5795	n	(P-16425/88; A-856)	
790.5807	am	(P-16425/88; A-856)	
790.5820	am	(P-12991/88; P-16425/88; A-856)	
790.5830	am	(P-12991/88; P-16425/88; A-856)	
790.5837	n	(P-12991/88; A-856)	
790.5840	am	(P-16425/88; A-856)	
790.5872	am	(P-16425/88; A-856)	
790.5893	am	(P-16425/88; A-856)	
790.5900	am	(P-16425/88; A-856)	
790.5924	am	(P-12991/88; A-856)	
790.5940	am	(P-12991/88; P-16425/88; A-856)	
790.5980	am	(P-16425/88; A-856)	
790.6140	am	(P-16425/88; A-856)	
790.6260	am	(P-16425/88; A-856)	
790.6275	am	(P-12991/88; P-16425/88; A-856)	
790.6280	am	(P-16425/88; A-856)	
790.6284	am	(P-16425/88; A-856)	
790.6370	am	(P-12991/88; A-856)	
790.6375	n	(P-16425/88; A-856)	
790.6445	am	(P-16425/88; A-856)	
790.6450	am	(P-16425/88; A-856)	
790.6452	am	(P-16425/88; A-856)	
790.6454	n	(P-16425/88; A-856)	
790.6456	am	(P-12991/88; P-16425/88; A-856)	
790.6540	am	(P-16425/88; A-856)	
790.6580	am	(P-16425/88; A-856)	
790.6621	n	(P-16425/88; A-856)	
790.6670	am	(P-16425/88; A-856)	
790.6740	am	(P-16425/88; A-856)	
790.6780	am	(P-12991/88; P-16425/88; A-856)	
790.6875	am	(P-12991/88; A-856)	
790.6946	am	(P-16425/88; A-856)	
790.6960	n	(P-12991/88; P-16425/88; A-856)	
790.6980	am	(P-16425/88; A-856)	
790.7020	am	(P-16425/88; A-856)	
790.7140	am	(P-16425/88; A-856)	
790.7180	am	(P-16425/88; A-856)	
790.7181	n	(P-16425/88; A-856)	

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790.7280	am	(P-16425/88; A-856)	
790.7288	n	(P-16425/88; A-856)	
790.7400	am	(P-12991/88; A-856)	
790.7500	am	(P-16425/88; A-856)	
790.7540	am	(P-12991/88; P-16425/88; A-856)	
790.7700	am	(P-16425/88; A-856)	
790.7828	am	(P-12991/88; P-16425/88; A-856)	
790.8378	am	(P-16425/88; A-856)	
790.8380	am	(P-16425/88; A-856)	
790.8380	am	(P-16425/88; A-856)	
790.8700	am	(P-16425/88; A-856)	
790.8900	am	(P-16425/88; A-856)	
790.8940	am	(P-16425/88; A-856)	
790.9020	am	(P-12991/88; A-856)	
790.9060	am	(P-12991/88; P-16425/88; A-856)	
790.9084	am	(P-12991/88; A-856)	
790.9140	am	(P-16425/88; A-856)	
790.9486	am	(P-12991/88; P-16425/88; A-856)	
790.9500	am	(P-12991/88; P-16425/88; A-856)	
790.9530	am	(P-12991/88; P-16425/88; A-856)	
2510.50	am	(P-13694/88; A-334)	

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2110.320	am	(P-1) (E-214)	
2110.330	am	(P-1) (E-214)	
2110.510	am	(P-1) (E-214)	
2110.530	am	(P-1) (E-214)	
2650.1	n	(P-6871/88; O-1256)	
2650.5	n	(P-6871/88; O-1256)	
2650.10	n	(P-6871/88; O-1256)	
2650.15	n	(P-6871/88; O-1256)	
2650.20	n	(P-6871/88; O-1256)	
2650.25	n	(P-6871/88; O-1256)	
2650.30	n	(P-6871/88; O-1256)	
2700.200	am	(P-253) (E-629)	
2700.440	am	(P-253) (E-629)	
2700.620	am	(P-253) (E-629)	
2700.630	am	(P-253) (E-629)	
2700.650	am	(P-253) (E-629)	
2700.700	am	(P-253) (E-629)	
2700.710	am	(P-253) (E-629)	
2700.720	am	(P-253) (E-629)	
2700.730	am	(P-253) (E-629)	
2700.735	n	(P-253) (E-629)	
2700.740	am	(P-253) (E-629)	
2700.750	am	(P-253) (E-629)	
2700.820	am	(P-253) (E-629)	
2700.920	am	(P-253) (E-629)	
2700. Ap. A	am	(P-253) (E-629)	
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440.10	n	(P-3162/88; A-296)
440.100	n	(P-3162/88; A-296)
440.200	n	(P-3162/88; A-296)
440.210	n	(P-3162/88; A-296)
440.220	n	(P-3162/88; A-296)
440.240	n	(P-3162/88; A-296)
440.300	n	(P-3162/88; A-296)
440.310	n	(P-3162/88; A-296)
440.400	n	(P-3162/88; A-296)
440.410	n	(P-3162/88; A-296)
440.420	n	(P-3162/88; A-296)
440.430	n	(P-3162/88; A-296)
440.500	n	(P-3162/88; A-296)
440.510	n	(P-3162/88; A-296)
440.520	n	(P-3162/88; A-296)
440.600	n	(P-3162/88; A-296)
440.610	n	(P-3162/88; A-296)
440.620	n	(P-3162/88; A-296)
440.640	n	(P-3162/88; A-296)
440.650	n	(P-3162/88; A-296)
440.660	n	(P-3162/88; A-296)
440.700	n	(P-3162/88; A-296)
440.800	n	(P-3162/88; A-296)
440.810	n	(P-3162/88; A-296)
440.900	n	(P-3162/88; A-296)
440.910	n	(P-3162/88; A-296)

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432.120	n	(P-15027/88; A-191)
432.130	n	(P-15027/88; A-191)
432.140	n	(P-15027/88; A-191)
432.150	n	(P-15027/88; A-191)
432.160	n	(P-15027/88; A-191)
432.170	n	(P-15027/88; A-191)
432.180	n	(P-15027/88; A-191)
432.190	n	(P-15027/88; A-191)
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112.253	am	(P-15905/88; A-70)
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141.480	am	(P-15483/88; A-516)
141.560	am	(P-15483/88; A-516)
141.800	am	(P-15483/88; A-516)
141.1160	am	(P-15483/88; A-516)
141.1240	am	(P-15483/88; A-516)
141.1280	am	(P-15483/88; A-516)
141.1480	am	(P-15483/88; A-516)
141.1520	am	(P-15483/88; A-516)
141.1680	am	(P-15483/88; A-516)
141.1760	am	(P-15483/88; A-516)
141.2280	am	(P-15483/88; A-516)
141.2360	am	(P-15483/88; A-516)
141.2400	am	(P-15483/88; A-516)
141.2760	am	(P-15483/88; A-516)
141.2960	am	(P-15483/88; A-516)
141.3440	am	(P-15483/88; A-516)
141.3480	am	(P-15483/88; A-516)
141.3760	am	(P-15483/88; A-516)
141.3800	am	(P-15483/88; A-516)
141.3840	am	(P-15483/88; A-516)
141.4000	am	(P-15483/88; A-516)
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530.100	r	(P-3565/88; A-141)
530.105	r	(P-3565/88; A-141)
530.110	am	(P-3565/88; A-141)
530.120	r	(P-3565/88; A-141)
530.130	am	(P-3565/88; A-141)
530.140	am	(P-3565/88; A-141)
530.150	r	(P-3565/88; A-141)
530.200	n	(P-3565/88; A-141)
530.230	n	(P-3565/88; A-141)
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1570.70	am	(R-1626; A-1577)			
1570.80	am	(R-1626; A-1577)	TITLE 89		
1570.90	am	(R-1626; A-1577)	114.128	am	(A-1546)
1570.100	am	(R-1626; A-1577)	140.526	am	(P-1420)
1570.110	r	(R-1626; A-1577)	160.5	n	(P-1396)
1570.150	r	(R-1626; A-1577)	160.10	am	(P-1396)
1570.160	am	(R-1626; A-1577)	160.100	n	(P-1396)
			160.110	n	(P-1396)
			160.120	n	(P-1396)
			160.130	n	(P-1396)
			160.140	n	(P-1396)
			160.150	n	(P-1396)
			160.160	n	(P-1396)
			592.45	n	(A-1573)
			597.20	am	(A-1568)
			597.150	n	(A-1568)
TITLE 86			TITLE 92		
151.101	n	(P-1498)	708.80	am	(P-1503)
151.105	n	(P-1498)	708.90	am	(P-1503)
151.110	n	(P-1498)	708.180	am	(P-1503)
151.115	n	(P-1498)	1010.440	n	(A-1598)
530.165	am	(A-1589)	1040.66	n	(A-1593)
600.101	n	(P-1448)			
600.105	n	(P-1448)			
600.110	n	(P-1448)			
600.115	n	(P-1448)			
600.120	n	(P-1448)			
600.125	n	(P-1448)			
600.130	n	(P-1448)			
600.135	n	(P-1460)			
610.101	n	(P-1460)			
610.105	n	(P-1460)			
610.110	n	(P-1460)			
610.115	n	(P-1460)			
610.120	n	(P-1460)			
610.125	n	(P-1460)			
610.130	n	(P-1460)			
610.135	n	(P-1460)			
620.101	n	(P-1468)			
620.105	n	(P-1468)			
620.110	n	(P-1468)			
620.115	n	(P-1468)			
620.120	n	(P-1468)			
630.101	n	(P-1473)			
630.105	n	(P-1473)			
630.110	n	(P-1473)			
630.115	n	(P-1473)			
630.120	n	(P-1473)			
630.125	n	(P-1473)			
630.130	n	(P-1473)			
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